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SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 March 2000, at 3 p.m.

Chairman Mr. SIMKHADA (Nepal)

later: Mr. RODRIGUEZ CEDEÑO (Venezuela)

later: Mr. JAKUBOWSKI (Poland)

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GE.00-12123 (E)

The meeting was called to order at 3.15 p.m.

STATEMENT BY MR. KHALAFOV, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF
THE REPUBLIC OF AZERBAIJAN

1. Mr. KHALAFOV (Azerbaijan) said that the modern State of Azerbaijan had originated with the proclamation in 1918 of the Azerbaijani Democratic Republic. In April 1920, it had become a republic of the Union of Soviet Socialist Republics. It had subsequently been the first of those republics to gain independence in 1991. The first Constitution of an independent Azerbaijan, drafted with reference to fundamental international legal principles, had been adopted on 12 November 1995 following a national referendum. The rule of law, promotion of human rights and the establishment of democracy formed the basis of the internal and external policy of Azerbaijan.

2. Since independence, a series of legislative instruments, approved by the Council of Europe, had been adopted to promote human rights and implement constitutional provisions, and President of the Republic Heydar Aliyev had issued several decrees defining the Government's tasks. A national programme in the field of human rights and a Human Rights Research Institute had been established. The death penalty had been abolished.

3. The Republic of Azerbaijan had acceded to all the basic international treaties in the field of human rights. It had already submitted its initial reports to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women; it had submitted its initial report to the Committee against Torture in November 1999. The Committee against Torture, in its concluding observations, and Amnesty International in its comments had said that, despite the difficulties encountered during the transition period, progress had been achieved in the formation of a democracy and the protection of human rights. At the same time, a number of problems and shortcomings in the field of human rights had been mentioned. Accordingly, the President of the Republic of Azerbaijan had on 10 March 2000 signed a directive "On measures in connection with the concluding observations of the Committee against Torture and the comments of Amnesty International on the initial report of Azerbaijan". A working group had been established to examine the facts reflected in the comments of Amnesty International. The Ministries of Justice, Internal Affairs, National Security and Defence had been entrusted with preparing and implementing concrete measures aimed at the prevention of human rights violations. The Supreme Court and the Office of the Public Prosecutor had been asked to take Amnesty International's recommendations into consideration. Azerbaijan's second periodic report to the Human Rights Committee was scheduled for consideration in 2000.

4. The Government of Azerbaijan was cooperating actively with the Commission on Human Rights and its bodies and Special Rapporteurs. Mr. Francis Deng, Special Representative of the Secretary-General on Internally Displaced Persons, had visited Azerbaijan in 1998, and Mr. Nigel Rodley, Special Rapporteur on torture, was expected to visit in 2000. The level of cooperation between Azerbaijan and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in particular the implementation of a technical assistance project, gave cause for satisfaction. The Government of Azerbaijan was also cooperating with the Council of

Europe, of which it hoped to become a full member in the near future, and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE), with which a memorandum of understanding had been signed in 1998.

5. Azerbaijan was a multi-ethnic country, and the Government took the necessary measures to ensure that persons belonging to minorities enjoyed the same rights and the same opportunities to participate in all of the country's spheres of activity as other citizens. Nearly all world religions were represented and freely practised in Azerbaijan.

6. The Government was still deeply concerned over the fate of Azerbaijanis expelled from their lands on the territory of present-day Armenia. In 1918, 575,000 Azerbaijanis, or over one third of the total population, had been living in that territory. As a result of the Armenian Government's policy of forced eviction, there was not a single Azerbaijani left in Armenia. The main obstacle to the development of Azerbaijan was the policy of aggression by neighbouring Armenia. That policy had led to gross and massive violations of international humanitarian law which fell into the category of crimes against humanity. Despite four resolutions adopted in 1993 by the United Nations Security Council, condemning the occupation of the territory of Azerbaijan, reaffirming the inviolability of the borders of the Republic of Azerbaijan and demanding the immediate and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan, Armenian armed forces continued to hold Azerbaijani territory. There were 1 million refugees and displaced persons in Azerbaijan out of a total population of 8 million, which created a complicated humanitarian situation in the country.

7. The Government of Azerbaijan believed that "frozen" conflicts were no less tragic than those to which the international community paid "paramount" attention. It was inadmissible for one fifth of the territory of a sovereign State Member of the United Nations to remain under foreign occupation and for one of every eight of its citizens to be a refugee or displaced person. He called on the international community to be more active in seeking a peaceful settlement of the armed conflict between Armenia and Azerbaijan.

STATEMENT BY MR. SAMI, FOREIGN SECRETARY OF BANGLADESH

8. Mr. SAMI (Bangladesh) said that respect for human rights was deeply rooted in the history and society of Bangladesh. The war of independence fought 29 years before had been a struggle for the fundamental freedoms of the Bangladeshi people. Upholding respect for human rights was a priority of the present Government. Courageous steps had been taken to raise the people's awareness of human rights and to institutionalize human rights values in society: the establishment of a National Human Rights Commission was in its final stages and the Women and Child Repression Act had recently been promulgated. The active participation of Bangladesh in United Nations peacekeeping operations reflected the Government's determination to promote and defend the cause of global peace and human rights.

9. One of the Government's most significant achievements had been the repeal of the Indemnity Act, which had provided impunity for those who had violated the right to life of the founding father of the nation and members of his family. The Act, which had taken the form of an amendment to the Constitution, had been a dark chapter in the country's history and an affront to the values of human rights. The perpetrators had subsequently been tried and convicted.

Unfortunately, some of them had fled abroad. Violators of human rights should not be allowed to evade justice or be given refuge in any country committed to the rule of law and human rights. The efforts of the Government of Bangladesh to bring those criminals to justice deserved the support of the international community.

10. Turning to the right to development, he noted that the rights set forth in article 25 of the Universal Declaration of Human Rights remained beyond the reach of the majority of the world's population. It was unacceptable for millions to die of hunger and lack of basic health care while unbridled consumption continued elsewhere and billions of dollars were spent on the arms trade. The problem was not one of inadequate global resources but one of inequitable distribution. It should be addressed in all its complexity under the broad heading of the right to development. Happily, the right to development was recognized as a universal and inalienable right, but a collective commitment to implement it was still lacking.

11. There was no doubt that Governments had prime responsibility for promoting development and ensuring the well-being of their citizens. However, for most nations, particularly the 48 least developed countries, creating basic conditions of development for the effective promotion and protection of human rights remained a daunting challenge. It was therefore urgent for national efforts to be supplemented by international cooperation and for the international community to create a favourable economic environment, in particular by raising the present low level of official development assistance. Global development partnership should not be seen as a unilateral act of charity or a simple reflection of global solidarity, but as a measure of mutual interest. In an increasingly interdependent world, it was particularly important to ensure that the process of globalization did not contribute to increased inequality.

12. Bangladesh was convinced of the need to work towards balanced and sustainable development. Its poverty alleviation programme was based on the strategies of higher growth, higher investment in social sectors, income generation and employment creation programmes and the establishment of social safety nets for the most vulnerable groups. It also focused on human resources development, participatory planning and empowerment of women. Experience had shown that the most effective approach to poverty alleviation was empowerment of the people. Success in micro-credit initiatives through multisectoral and multidisciplinary programmes attested to that. Prime Minister Sheikh Hasina had taken the initiative of launching a movement called Ashrayan, dedicated to meeting the needs of the poorest of the poor and providing shelter to every person in Bangladesh within the next five years. Government investment in social sectors in the development programme had risen to 40 per cent, which was beyond the 20/20 initiative agreed at the Copenhagen Summit. Education, focusing on the girl child, had been given the highest allocation in the national budget.

13. The Government also believed that development policies must involve the participation of all segments of society in order to succeed. To that end, the Prime Minister had taken the courageous step of reaching out to the tribal population of the Chittagong Hill Tracts and creating conditions enabling them to exercise their cultural and religious rights. The historic peace treaty between the Government and those groups had brought an end to decades of armed violence. The Chittagong Hill Tracts had become a region of peace and tranquillity, and development activities had resumed.

14. He commended the United Nations High Commissioner for Human Rights for her personal commitment to the effective implementation of the right to development. The Sana'a Workshop organized by the High Commissioner's Office in February had drawn some important conclusions requiring urgent attention. Mechanisms should be envisaged for monitoring progress in implementing the right to development. The right to development should also be codified in an international instrument. The open-ended working group on the right to development was in the best position to initiate constructive discussions on the subject.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2000/19, 20 and 21, E/CN.4/2000/NGO/54, 70, 99 and 123)

15. Mr. NDIAYE (Senegal) noted that Article 55 of the Charter of the United Nations established a link between peace, international security, economic development, social progress and enjoyment of human rights. The increasing imbalance between the breakthroughs achieved in the sphere of political democratization and the tentative progress achieved in the economic, social and cultural area had led to the General Assembly's adoption in 1986 of the Declaration on the Right to Development, which was in keeping with the vision of the founding fathers of the United Nations. The culmination of studies on the various aspects of the right to development had been the World Conference on Human Rights, held in Vienna in 1993, which had proclaimed the right to development an inalienable and universal right of the human person. Since then, working groups of the Commission had examined the scope of that right, the means of achieving it and the obstacles which lay in its path, with varying degrees of success.

16. Despite the progress achieved, it was evident that economic, social and cultural rights, including the right to development, received unequal interest and inappropriate treatment. The essential concept of the interdependence and indivisibility of human rights was far from being applied. As everyone knew, millions of men, women and children suffered because their human dignity was not recognized. The implementation of the Declaration on the Right to Development, the very symbol of the right to solidarity, should be a crucial catalyst for fruitful international cooperation. Although it was incumbent on each State to provide guarantees for exercising the right to development, at the international level the right to development reflected the concept of solidarity, shared responsibility and successful partnership.

17. According to UNESCO, the right of every human being and group to full development implied equal access to the means of personal and collective advancement and fulfilment. That being the case, the basic criteria for evaluating the implementation of the Declaration on the Right to Development should be, at the domestic level, participation, equality, access to goods and services and higher standards of living, and at the international level, equity, solidarity, the integration of the developing countries into the global economy and their access to markets, technology and funding sources. Globalization had fostered a common perception of certain problems, but it had also weakened and/or marginalized many countries by strengthening obstacles to their development. It was therefore more important than ever to stress the human side of globalization.

18. The Government of Senegal had constantly fought for a universal approach to human rights. It had to be acknowledged, however, that the universal approach had not always met the developing countries' expectations. It had not yet effectively integrated the global aspect of

human dignity, which was not merely a question of proclaiming the civil and political rights of men, women and children living below the poverty threshold. Senegal called for a consensual vision of human rights and reaffirmed its determination to work towards the implementation of the Declaration on the Right to Development. It supported United Nations efforts to that end, in particular those of the working group of the Commission on Human Rights established to monitor and review progress made in the promotion and implementation of the right to development, chaired since 24 February 2000 by Ambassador Dembri of Algeria. He reiterated his country's support for the principles and objectives of the Vienna Declaration and Programme of Action and its commitment to the threefold goal of human rights, democracy and development, in favour of a world of peace, justice and solidarity.

19. Mr. CHATTY (Tunisia) said that a consensus on the issue of the right to development had finally been achieved in the 1993 Vienna Declaration and Programme of Action, which stated that the right to development was a universal and inalienable right which was an integral part of fundamental human rights. However, the implementation and enforcement of that right were far from being met, they encountered numerous obstacles, as shown by the two expert groups established by the Commission in 1993 and 1996. The right to development was of no significance to the 1.5 billion people living in desperate poverty, whose existence represented a denial of the basic rights to health, education and housing and an affront to human dignity.

20. The question of the right to development was more urgent than ever, as economic globalization, while offering countries new opportunities, also increased the problems inherent in interdependence and the risks of instability. Globalization must be made into a tool to serve development, and its advantages must be distributed fairly. Those goals could be reached through the establishment of a fairer international economic order and the promotion of more effective international cooperation.

21. Tunisia had focused its efforts on achieving a people-based global development, which had enabled it to raise its citizens' standard of living. Average per capita income had risen from 927 dinars to 2,422 dinars between 1994 and 1998, the middle class accounted for 60 per cent of the population, the poverty index had been brought down from 13 per cent to 6 per cent between 1980 and 1995, the literacy rate was 99 per cent for both sexes and primary education was compulsory and free. Special attention had been given to strengthening the spirit of solidarity. A national solidarity fund had been established to assist disadvantaged areas and combat poverty. A national solidarity bank promoted small projects and offered loans to young entrepreneurs. A new microcredit system had been established to help people with small means begin income-generating projects. Lastly, a national employment fund had recently been established.

22. In August 1999 President Ben Ali had launched an appeal to the world's leaders and the various United Nations bodies and inter-Arab organizations for the establishment of a world solidarity fund. The fund would be supplied through gifts and voluntary contributions and would be used to finance action to combat poverty and promote the development of the most disadvantaged regions, in particular in the poorest countries. The Council of Ministers of the Organization of African Unity (OAU), meeting from 8 to 10 March 2000 at Addis Ababa, had invited the member States of OAU, the international financial institutions and international civil society to support that idea and look in o ways of establishing the fund.

23 Mr. MAHMOUD (Sudan) said that the principles and objectives set forth in the Charter of the United Nations closely linked economic conditions, social advancement and development with respect for and promotion of human rights and fundamental freedoms. Consequently, it was intellectually dishonest to speak of free humanity protected from want, disease and ignorance in the absence of adequate conditions enabling every individual to enjoy social and economic rights together with civil and political rights.

24 All rights were interdependent and inalienable and could not be subject to selectivity. In an era of globalization, the issue of the right to development should be tackled in the broader context of current economic realities in all their manifestations. It was no exaggeration to say that developing countries, in particular the least developed, risked further marginalization and exclusion, as the globalization of economy and trade highlighted their limited capacity to compete. The time had come for the developed countries and the international financial institutions to take decisive measures to end those countries' misery and help them realize their legitimate right to development before it was too late. The persistent inequality of income distribution between developed and developing countries did not augur well for the future of human rights, especially the right to development. Justice in the distribution and sharing of the benefits of globalization was a practical necessity for sustaining a stable global economy. The developed countries must demonstrate a genuine political will to break the vicious circle of poverty and backwardness of the poor countries through extensive investments in education, health and infrastructure. It was only through such measures that those countries would attain their right to development and contribute to the global economy. Growth of the global economy could not continue unaffected by the social and political dislocations likely to arise because of current contradictions. In order for human rights to be respected and protected, all people must be guaranteed the enjoyment of those rights without discrimination. In particular, the poor in the poorest countries must be given access to clean water, decent housing, roads, electricity, schools and hospitals.

25 There was one important challenge before the international community: how to translate human rights as a noble concept and dream into reality. Only 4 per cent of the wealth of the richest 225 people in the world would cover basic needs and social services such as health, education and food for all people on the globe. Only when that challenge was overcome would talk about human rights become meaningful.

26 Mr. ZAFERA (Madagascar) said that, 50 years after the adoption of the Universal Declaration of Human Rights and 15 years after the adoption of the Declaration on the Right to Development, millions of people throughout the world were still living in absolute poverty. Although it was true that the primary responsibility for achieving the right to development lay with States, it should be borne in mind that the world was divided between developed countries with enormous economic and technical advantages at their disposal and developing countries facing a host of social and economic problems. In the least developed countries, those problems were becoming so serious that States could not fully meet their obligation to promote and protect human rights. The natural disasters which often befell certain countries, such as Madagascar, with dire consequences that sorely tested the best development policies and desire for good governance, were compounded by the foreign debt, which destroyed all development efforts, the decline in official development assistance, insufficient access to capital and technologies and the consequences of economic globalization. Under those conditions, it was foolish to think that the

efforts of those economically vulnerable countries alone would lead to a prompt realization of the right to development. The implementation of the Declaration should aim at overcoming the various obstacles and reducing the inequalities between and within nations which gave rise to tensions and social conflicts.

27. Given the close links between peace, development and human rights, all nations had an overriding interest in strengthening multilateral cooperation and working towards the introduction of an equitable, just and balanced international society. It was accordingly important to take adequate measures at both the national and international levels. At the national level, Governments should adopt appropriate development strategies broadly based on respect for fundamental human rights and involving the participation of all sectors of civil society, including the most vulnerable. At the international level, the United Nations must strengthen its action. In that connection his delegation expressed its appreciation to OHCHR for its contribution to the work of the Commission through its report on its activities relating to the right to development (E/CN.4/2000/20). The establishment of an open-ended working group on the right to development also represented an important step towards the implementation of the Declaration. His delegation also welcomed the fact that Ambassador Dembri of Algeria had been chosen to Chair the group's work, which would no doubt be stimulated by the Ambassador's vast experience of such issues.

28. Mr. AL-THANI (Qatar) noted with appreciation the importance attached by the Commission to the right to development and its efforts to encourage countries to take the measures needed to eliminate obstacles to the full realization of that right. Close cooperation was needed among all actors, both nationally and internationally, to that end.

29. Qatar believed that the right to development should be set forth in a legal instrument, and thereby be made compulsory, as it was not yet receiving all the attention it deserved, despite the fact that the international community had recognized it as an integral part of fundamental human rights and recognized its own duty to protect and strengthen it, however, civil, political, economic, social and cultural rights could not be fully realized without sustainable and balanced development. The developing countries' economies should accordingly be strengthened, and they should be provided with the assistance they needed to avoid marginalization. The globalization of the economy was forcing those countries to restructure and to adopt economic policies which widened the gap between North and South. Globalization must not take place at the expense of the developing countries. The developed countries must also aid the developing countries to cope with the disastrous consequences of the economic adjustment policies resulting from the problem of the foreign debt, which still represented an obstacle to the right to development.

30. Qatar had taken measures to foster the balanced development of all the sectors of its population and create an environment conducive to the achievement of the right to development and a decent life for all. An economic and political programme had also been established to achieve those objectives.

31. Ms. KUNADI (India) said that despite the efforts of the international community, the right to development as set forth and reaffirmed in several instruments, in particular

the 1986 Declaration, was far from achieved. According to the latest Human Development Report, 60 countries of the world had been becoming steadily poorer since 1980 and nearly 1.3 billion people lived on less than \$1 a day.

32 Essential ingredients for an early realization of the right to development were the adoption of an integrated approach to all rights, as embodied in the Declaration on the Right to Development and the Vienna Programme of Action, acknowledgement of the right to development as a fully developed right, and acceptance of the fact that democracy and development were both essential to the full enjoyment of human rights and human dignity. The right to development also required the participation of everyone, especially women, in all aspects of society. It should be borne in mind that there was a critical link between development and the ability of peoples to enjoy fully the rights enshrined in the Universal Declaration of Human Rights. The right to life and liberty remained the basic right of all peoples, including the right to live with dignity and all that implied. While States had the primary responsibility for creating national and international conditions favourable to the realization of the right to development, human solidarity could reverse the increasing marginalization of a large part of humanity. In accordance with the Declaration on the Right to Development, States had not only the right and duty to formulate appropriate national development policies, but also the duty to cooperate with each other in eliminating obstacles to development. They should also fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States. Suitable steps must be taken to strengthen international cooperation for the realization of the right to development.

33 Her delegation was pleased to note that the working group on the right to development had elected Ambassador Dembri of Algeria as its Chairman and it thanked the independent expert for his study on the implementation of the right to development (E/CN.4/1999/WG.18/2). It hoped that the working group would progress in its work and that OHCHR would intensify its activities on the promotion of economic, social and cultural rights and the right to development.

34 India, for its part, had taken measures to that end. Particular emphasis had been placed in the budget for the financial year 2000-2001 on strengthening the foundations of growth of the rural economy, human resource development, universalization of primary education, improvement of women's and child health and a review of all existing legislation and Government schemes established to enhance the role of women in the national economy. At the international level, despite its resource constraints India provided approximately 5 billion rupees annually for technical and economic cooperation with developing countries.

35 Mr. FERRER RODRIGUEZ (Cuba) said that, since the adoption of the Declaration on the Right to Development and the reaffirmation in 1993 by the Vienna World Conference on Human Rights of the human person as the central subject of development, the actual situation was virtually unchanged. The gap in income level between the rich and poor countries had increased steadily. While 20 per cent of the world's population lived in affluence in the developed countries, most of the inhabitants of the developing countries lacked sanitation or decent housing and had no access to clean water or basic health care. At the same time, the United States and Europe spent fortunes on cosmetics, perfume, pet food, medicine and weapons. Yet 20 per cent of the sums spent would resolve the world's education, health, nutrition and water problems, and 40 per cent all its other problems, including housing. To that

end, the developed countries must first increase their official development assistance, which was on the decline and represented only 0.2 per cent of their GDP. The foreign debt of all the developing countries without exception should be cancelled, but that would be to no avail if those countries were unable to sell the fruit of their labours.

36. If the will existed to eliminate hunger, epidemics, illiteracy, unemployment and underdevelopment from the world, the developed countries must respect their commitment to devote 0.7 per cent of their GDP to official development assistance, equitable economic relations and an international environment conducive to development must be established and the transfer of scientific and technological knowledge must be ensured. In addition, the current structure of distribution of wealth must be reformed, the international financial system must be democratized so as to reflect present-day realities and the structural adjustment programmes must be ended. Such measures required the firm political will of the developed countries.

37. It was also essential for all States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that created obstacles to trade relations among States and impeded the full realization of human rights, as repeatedly requested by the Vienna World Conference, the General Assembly and the Commission. Yet in defiance of the international community, the United States was applying unilateral economic sanctions against approximately 30 countries which represented 42 per cent of world population. In particular, it had for 40 years been imposing an unjust and criminal economic, commercial and financial blockade on Cuba. The working group on the right to development and the Commission mechanisms should examine without delay the adverse consequences of unilateral measures of that type, as well as effective measures for ending, immediately and unconditionally, such large-scale, systematic and gross violations of the human rights of entire peoples.

38. Mr. KANAVIN (Norway) said that there had been a growing understanding over the past decade of the role human rights could and did play in development. That trend built on three essential elements, namely the central concept of the universality of human rights, the holistic approach to human rights as being interdependent and a recognition of the challenges and opportunities posed by globalization, conditions for development being a result of the international framework in addition to national policies. That trend included an applied focus on poverty through the adoption of concrete policies at the national level, the strengthening of official development assistance, and the use of human rights as a tool for development.

39. Much knowledge had been acquired about development through the many studies on the subject. The study of the independent expert on the implementation of the right to development formed a useful basis for the future work of the working group on the right to development, but there was a need to develop that knowledge, and, especially, to convert it into concrete action at both the national and international levels. The implementation of human rights would provide the means of doing so.

40. In order to improve the situation, each country must first promote human rights at home while encouraging others to do the same. To that end, the Government of Norway had developed a National Plan of Action for Human Rights aimed at protecting human rights in many areas of Norwegian society. Second, a holistic approach must be taken, which addressed

economic, social and cultural rights on an equal basis with civil and political rights. The Government's Plan of Action was based on that approach. In addition, its development cooperation would continue to give priority to combating poverty.

41. Thirdly, efforts should be made to correct flaws or malfunctions in the international social and economic order. The Government of Norway would continue to pursue debt relief and other initiatives which in themselves contributed to the right to development. In that connection it welcomed the continued implementation of the memorandum of understanding between OHCHR and UNDP and encouraged the High Commissioner to pursue a strategy for participation in the Comprehensive Development Framework. Fourthly, States must accept once and for all that respect for human rights was also good for business. Business communities, trade unions, human rights NGOs, academic circles and various governmental agencies in Norway were engaged in a fruitful discussion of the roles and responsibilities of international business in the promotion and protection of human rights. Their work was based on the understanding that business constituted an important "organ of society" in the meaning of the Universal Declaration of Human Rights.

42. Finally, States must place their solidarity first and foremost with the individual, whose rights and freedoms must be the basis for its policies and practice. The individual was the focus of attention in Norway's human rights work at home and abroad, in accordance with the principle that development cooperation was a matter of justice rather than charity. Recognition of that fact might serve as an incentive for greater participation by marginalized groups in the development process, which was of vital importance for fostering genuinely sustainable development.

43. His delegation welcomed the appointment of Ambassador Dembri as Chairman of the new working group on the right to development. It hoped that the group would make speedier progress and shared the view that the resolution on the right to development should be of a more procedural nature than the resolution adopted at the previous session.

44. Mr. MAJDI (Morocco) said that, despite the declarations and resolutions adopted by various United Nations bodies, little real progress had been made in realizing the right to development. In his country's view, the right to development should not be the subject of rhetoric and incantation. On the contrary, it should be approached on a pragmatic and innovative basis.

45. The gap between the richest and poorest countries was growing steadily wider. According to UNDP, 1.3 billion people were living on less than \$1 a day while in the OECD countries annual per capita income had broken the \$25,000 mark. In Africa, the annual growth rate had decreased from 3.6 per cent in the 1970s to 1.8 per cent in the 1980s and was currently at 1.9 per cent. Official development assistance, which should be one of the key components of solidarity between States, had dropped in real terms by approximately 20 per cent since 1992.

46. There was no doubt that responsibility for the realization of the right to development lay with States. In fact, good governance had been at the core of all discussions of the right to development in recent years. For Prime Minister El Youssoufi, professionalism was not only necessary for highlighting management capacities, but was also a basic prerequisite for the

establishment of a responsible, transparent and effective administration which respected the laws and took responsibility for its acts. However, the developing countries' efforts would not be successful in the absence of a favourable world environment and strong support from the international community. Decrease in foreign investment, deterioration of the terms of trade and the growing number of trade obstacles were so many factors which hindered the third world countries' development.

47. Realization of the right to development required a strategy based on mutual respect of nations and on more coherent, democratic and equitable national and international economic, commercial and financial policies and structures.

48. Mr. Rodriguez Cedeño (Venezuela) took the Chair.

49. Ms. MLANGENI (Swaziland) recalled that the various United Nations bodies had repeatedly underlined the fact that the realization of the right to development required effective development policies at the national level as well as equitable economic relations and a favourable economic environment at the international level. Since the beginning of the 1990s emphasis had also been placed on reduction of poverty, which inhibited the full enjoyment of human rights. However, official development assistance was declining while globalization was increasing poverty and the social exclusion of the poor, who accounted for half the inhabitants of the planet.

50. The struggle to eradicate poverty in Swaziland was exacerbated by the tragic human, economic and financial consequences of the HIV/AIDS pandemic, which the King had declared a national disaster. To that end the Government, within its National Development Strategy, had substantially increased the health budget and taken a multisectoral approach to combating HIV/AIDS. The task that lay ahead was to mobilize resources for implementing the Strategy.

51. The ever-widening gap between the developed and developing countries resulted in the exclusion of the latter from the benefits of globalization. International cooperation should therefore be strengthened, to support the efforts of developing countries to resolve their social and economic difficulties. Experience had shown that with the necessary political will goals could be achieved. Strategies such as the Heavily Indebted Poor Countries Debt Initiative were good examples of international cooperation and should be continued. All actors of the international community should work to enforce economic, social, cultural, political and civil rights within their spheres of influence. The developing countries, for their part, had adopted a series of legislative, budgetary and social measures to that end and should continue to undertake reforms.

52. At the United Nations level, Swaziland appreciated the work of OHCHR, the independent expert on structural adjustment policies and the Special Rapporteur on foreign debt. In that connection, there should be a clearly defined arrangement on how donor countries could effectively play their role in a predictable and sustained manner.

53. Mr. PADILLA MENENDEZ (Guatemala) said that his delegation had found the programme for the realization of the right to development proposed by independent expert

Arjun K. Sengupta in his study on the implementation of the right to development (E/CN.4/1999/WG.18/2) to be very interesting. In it the independent expert noted that several United Nations conferences had reaffirmed the fact that civil and political rights and economic, social and cultural rights were an indivisible and interdependent group of human rights which must be achieved together. Unfortunately, that commendable political consensus had not become a reality. The ideas currently in favour were those of the "Washington consensus", namely that development would be the natural result of the liberalization of trade and the opening of the rich countries' markets to the developing countries' exports, that it was sufficient to make the poor countries competitive, apply IMF structural adjustment programmes correctly and privatize inefficient and badly managed public enterprises to attract foreign investment.

54. That policy had proved useful in balancing national budgets, curbing inflation, increasing exports and attracting investment in certain countries. However, it was not a way of achieving either equitable social and economic development or sustainable human development. To attain those objectives, as noted by the Nobel prizewinner Amartya Sen, it was necessary to invest in areas such as education and health. In that connection, the High Commissioner for Human Rights should continue her dialogue with the IMF and the World Bank, in which UNCTAD, ILO, WHO and the functional commissions of the Economic and Social Council should also take part.

55. In the chapter of the report entitled "A programme for the realization of the right to development", the independent expert proposed an international compact to implement the rights to food, primary health care and primary education. All the signatories to the agreement must take on the obligation not only to fulfil those rights for citizens of their own State, but also to provide the necessary assistance and create the necessary conditions for their fulfilment in other States. In their joint report, the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, Mr. Reinaldo Figueredo, and the independent expert on the effects of structural adjustment policies on economic, social and cultural rights (E/CN.4/2000/51) wisely proposed debt relief in exchange for social investment, especially in education through scholarship programmes and programmes to eliminate the worst forms of child labour.

56. He hoped that the independent expert's proposals would lead to appropriate funding policies at both the multilateral level (World Bank and regional development banks) and the bilateral level (official development assistance).

57. Mr. SUTOYO (Indonesia) referred to article 1 of the Declaration on the Right to Development, whereby the right to development was a universal and inalienable right. The responsibility for realizing the right to development was shared by individuals, Governments and the international community.

58. His Government strongly believed that the human person should be the central subject of development policies. It sought to facilitate the transformation of democracy from electoral into participative democracy which would make visible the marginalized, excluded and the forgotten. It faced a huge challenge due to the effects of the previous regime's policies and the economic crisis which had hit Indonesia a few years earlier. However, it was confident that dedicated efforts would make it possible to overcome those difficulties.

59. At the international level, globalization had increased the risk of marginalization of the developing countries, which required equitable economic relations and a favourable economic environment in order to achieve the right to development. Extreme poverty inhibited the full and effective enjoyment of human rights. It was in fact one of the main causes of human rights violations. Therefore, the alleviation of extreme poverty must remain a high priority of the international community.

60. The Declaration on the Right to Development stipulated that all States had the duty to cooperate with each other in ensuring development and eliminating obstacles to it. In that connection, his delegation noted the ongoing efforts by the various United Nations bodies and the Regional Workshops on the Right to Development and on Economic, Social and Cultural Rights, held respectively in 1999 in New Delhi, India, and only one month earlier in Yemen.

61. His delegation also attached great importance to the effective functioning of the inter-sessional working group on the right to development, and hoped that it would be able in the near future to identify the key elements of a development strategy.

62. Mr. MICHELENA (Venezuela) said that the right to development was a universal and inalienable human right and an integral part of fundamental human rights, played a key role in the stability of democratic Governments and fostered citizens' participation. There was accordingly a need to adopt a new development strategy which was not aimed solely at growth in GDP but which placed human beings at the centre of development. With that in mind, the Government of President Hugo Chávez Frias had taken a series of concrete measures aimed at strengthening the concept of citizenship and participation, respect for human rights, good governance and action to combat corruption. The objective of the Government's human development strategy was to reduce poverty and social exclusion.

63. All States comprising the international community should also work towards the right to development. However, groups of developed nations were adopting policies which limited developing countries' access to their markets or which ruined the agro-industrial sectors of the weakest countries by subsidizing their own exports. Foreign debt and structural adjustment were also obstacles to third world countries' development. The working group on the right to development should define the contents and scope of that right and the responsibilities of the States which must implement it. His delegation supported the working group's efforts, under the chairmanship of Ambassador Dembri, to fulfil its task in a spirit of cooperation and consensus.

64. Mr. Jakubowski (Poland) took the Chair.

65. Mr. THAKUR (Nepal) said that he was happy to note that concept of the right to development had been given concrete form with the election of Mr. Dembri as Chairman of the working group. Achieving that right required joint efforts by States, international organizations and other organs of civil society. States should take measures to ensure that disadvantaged groups had access to productive assets such as land, credit and means of self-employment. For their part, the rich countries and the international organizations should develop programmes in terms of the basic needs of developing countries rather than impose priorities set by donors.

66. Development strategy, in the form of a compact between donor countries, financial institutions and developing countries, should realize five basic rights: the rights to food, primary health care, education, safe drinking water and shelter. Those five rights were very close to the most basic human right, the right to life.

67. Globalization of the world economy and extension of market rules provided opportunities, but also ran the risk of marginalizing the least developed countries through the decline in foreign aid, rise in their foreign debt burden and decrease in their export capacity. The LDCs now numbered 48, as opposed to 42 in the 1990s.

68. Since the late 1980s Nepal had worked towards identifying six priority areas to be developed: food, drinking water, health, education, shelter and security. Its Constitution, which enshrined a multi-party democracy, had since 1990 recognized the values of human rights, development and democracy. Nepal was a party to 16 human rights instruments and remained fully committed to the protection and promotion of the human rights of its citizens.

69. His delegation urged all countries to reconsider their development programmes in the light of the right to development and urged all donor countries to give priority to the areas he had mentioned. It would also be useful to establish common indicators on the right to development in order to assess the performance of both donors and recipients. Donors needed to fulfil their commitments and recipients must strive for transparent and accountable governance with the full realization that human rights and development were complementary.

70. Mr. MENDIS (Sri Lanka) said that, despite repeated references to the inalienable right to development, action in that sphere had hardly progressed. A range of obstacles to the realization of that right persisted at both the national and international levels, as described in the report of Mr. Sengupta, the independent expert of the Commission (E/CN.4/1999/WG.18/2). An intergovernmental forum was needed further to discuss the many aspects of the realization process.

71. While the industrialized nations had reconstructed their economies after the Second World War, the developing countries lagged behind. Despite advances in science, many of them were still in a critical situation. Yet most of the world's population lived in developing nations. Sri Lanka, for its part, invested in human resources, education, social welfare and health care as a matter of priority. It had launched a national programme to achieve development at the grass-roots level by promoting capacity-building and entrepreneurship at the family level.

72. Yet national action could not make the right to development operational without a supportive external environment. He commended the High Commissioner for Human Rights for her efforts to create awareness and mobilize the political will of the international agencies to facilitate that environment. His delegation also welcomed the study of the independent expert, Mr. Sengupta, on progress in the implementation of the right to development (E/CN.4/1999/WG.18/2). The study and the report of the Sub-Commission on the Promotion and Protection of Human Rights on the impact of globalization on human rights would provide the working group on the right to development with valuable material. His delegation hoped that the joint efforts of the working group and the High Commissioner would lead to a cohesive and goal-oriented programme on the right to development.

73. Mr. SFEIR-YOUNIS (World Bank) said that interaction between the World Bank and the Commission was crucial given the relationship between economic policy-making and the achievement of human rights.

74. Implementing the conventions and resolutions adopted by the Commission and the numerous United Nations global conferences was a difficult challenge for countries with limited resources, especially as macroeconomic management approaches must be reconciled with social concerns. For its part, the World Bank had focused its efforts on the eradication of poverty. To that end, in consultation with countries and other institutions, it had designed a Comprehensive Development Framework (CDF), aimed at striking a balance between the economic and financial considerations of development and its social aspects. The CDF was based on three principles: country ownership of development programmes, with support but not interference by foreign donors; partnerships at all levels of the decision-making process; and the adoption of a long-term development approach.

75. The World Bank was in a unique position to contribute to development through policies and programmes aimed at enhancing countries' human capital, while participating actively in the implementation of policies defined by United Nations global conferences. The Bank cared about human rights and was committed to assisting developing countries in the creation of an enabling environment for the realization of everyone's rights and freedoms, especially those of the disadvantaged classes, women, children and indigenous peoples. The Comprehensive Development Framework was designed to blend economic objectives and cultural, social and political objectives.

76. The world was witnessing a major change in the development paradigm. The focus had shifted from growth and production issues to equity and distribution. Development must be based on an ethic that viewed human rights as a central, rather than subsidiary, element of economic policy.

77. Mr. RAID (Observer for Iraq) said that the realization of the right to development was impeded by many obstacles, often created by wealthy States which sought to serve their own interests above all. Those obstacles were aggravated by the economic sanctions and coercive measures imposed by the Security Council on certain States, especially developing States. Iraq was such an example. The economic sanctions ordered by the Security Council had led to the collapse of the economy. Iraq was forbidden to use its own natural resources, particularly oil, which constituted the country's major source of revenue. That situation had appalling consequences for its population, especially regarding access to food and medicine, and had already claimed the lives of more than 1 million Iraqis. In addition, the military offensive against Iraq in 1991 had destroyed the country's industrial, agricultural, scientific and cultural foundations, the reconstruction of which would take decades. The aggressors had used large amounts of depleted uranium in their offensive, causing serious diseases and an increase in the mortality rate.

78. His delegation called on the Commission to put a stop to the genocide against his people created by the unfair economic sanctions.

79. Mr. BELIZ (Observer for Panama), speaking on behalf of the Group of Central American Countries, asked that the open-ended working group on the right to development should meet as soon as possible, and in any case not later than September 2000. He endorsed the proposals of the independent expert, Mr. Sengupta, in the study on progress in the implementation of the right to development (E/CN.4/1999/WG.18/2), especially the idea of an international compact between the Governments of the developing countries and the donor countries and international financial institutions to implement the rights to food, primary health care and primary education.

80. The Group of Central American Countries also welcomed the joint report of the independent expert on structural adjustment policies and the Special Rapporteur on foreign debt (E/CN.4/2000/51). It found particularly interesting the proposal for the cancellation of the debt of those countries which had been the victims of serious humanitarian disasters, such as Zambia, Nicaragua, Honduras and Mozambique, and the idea of linking debt relief to school scholarship programmes.

81. The Central American countries believed that the time had come for action to realize the right to development. They invited the Bretton Woods institutions to consider the two special rapporteurs' proposals carefully.

The meeting rose at 6 p.m.



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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 March 2000, at 10.00 a.m.

<u>Chairman</u>	Mr. SIMKHADA	(Nepal)
later:	Mr. JAKUBOWSKI (Vice-Chairman)	(Poland)
later:	Mr. SIMKHADA (Chairman)	(Nepal)

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THE RIGHT TO DEVELOPMENT (*continued*)

STATEMENT BY THE DEPUTY MINISTER OF JUSTICE OF VIET NAM

STATEMENT BY THE MINISTER OF HIGHER EDUCATION OF TUNISIA

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GE.00-12136 (E)

The meeting was called to order at 10.15 a.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2000/19, 20 and 21; E/CN.4/2000/NGO/54, 70, 99 and 123, E/CN.4/1999/WG.18/2)

1. Mr. HAMZAH (Observer for Malaysia) said that several speakers had commented on the inequalities persisting in the world more than 50 years after the adoption of the International Bill of Human Rights. There was a clear international consensus regarding the need fully to operationalize those rights. However, as long as deprivation in a "sea of plenty" existed, there would also always be need for voices to be raised concerning the right to development.
2. With the adoption of the Declaration on the Right to Development, the international community had questioned the notion that the improvement of economic indicators was the primary objective of economic activity, recognizing instead that human beings - both individually and collectively - should be the principal beneficiaries of development. While indicators related to the right to development were useful, benchmarks should be ascertained nationally in view of the specificity of country situations and of the individual and collective behaviour of different peoples.
3. As part of current national development policy prioritizing "people development", his Government had recently devised a Malaysian Quality of Life Index, which represented an aggregation of some 38 indicators and provided an appropriate national indicator for the realization of the right to development.
4. A "virtuous circle" of economic development and further promotion and protection of human rights depended on the formation of "smart" North-South and South-South partnerships and on closer collaboration between Governments and civil society. The responsibility for realizing the right to development must be a shared one.
5. Mrs. ABOUNAGA (Observer for Egypt) said that the right to development brought together civil and political rights and economic and social rights and demonstrated that rights and responsibilities were complementary. As the High Commissioner for Human Rights had stated, development was a right to which all countries were equally entitled. It was the right and the responsibility of every State to adopt development plans consistent with its political, social and cultural traditions. The international community must provide developing countries with assistance in eradicating poverty and raising the living standards of their peoples.
6. She welcomed the formation of the working group on the right to development and urged all delegations to cooperate fully with that group. She suggested that the Office of the High Commissioner (OHCHR) should arrange a two-day meeting of experts to be held prior to the meeting of the working group in order to allow of an exchange of views between independent experts.
7. Solidarity was the essence of the right to development: many delegations had mentioned the need for cooperation, but she considered that there was also a need for solidarity. Cooperation could not be limited to civil and political rights and ignore economic, social and cultural rights or the right to development. ...

8 The CHAIRMAN said that the speaker had exceeded her allotted time.

9 Mr. MAMDOUHI (Observer for the Islamic Republic of Iran) said that, despite affirmations of the universal and inalienable nature of the right to development, little progress had been made in implementing the Declaration on the Right to Development. A holistic approach was needed if new and traditional obstacles to the realization of the right were to be overcome.

10 Although human development was the collective responsibility of the entire community of nations, crucial macroeconomic and monetary policies with far-reaching impacts on the world economy were currently decided by a mere handful of developed countries. The international economic environment could not be made more responsive to the needs of the majority of the world's people if the developing countries continued to be sidelined in economic policy coordination.

11 One obstacle to the realization of the right to development was the transboundary effect of unilateral coercive measures and practices on the economies, development and human rights of peoples in other countries. In breach of the principle of free international economic relations, certain countries were currently using their economic influence to intensify the extra-territorial application of domestic legislation against developing countries, thereby preventing those countries from exercising their right to determine their own political, economic and social systems.

12 The report of the independent expert on the current state of progress in the implementation of the right to development (E/CN.4/1999/WG.18/2) provided a comprehensive basis for discussion. More particularly, his delegation welcomed the proposal to establish a forum for the exchange of views between Governments and the Bretton Woods institutions. It was to be regretted, however, that the working group on the right to development had not met, since it might have been able to offer some constructive proposals to the Commission.

13 Mr. BENCHERIR (Observer for Algeria) said that the 1999 Human Development Report of the United Nations Development Programme (UNDP) illustrated the impact of underdevelopment on human security. The world had made no real progress in implementing the Vienna Declaration and Programme of Action. Indeed, the development gap between rich and poor countries had actually widened. As the UNDP report graphically illustrated, the past decade had seen income, resources and wealth further concentrated in a small number of individuals, corporations and countries. Since the end of the cold war, it was the intolerable discrepancies in levels of development between countries which divided the world. It was no coincidence that all the developing countries had once been under colonial rule.

14 Although the prime responsibility for development lay with Governments, an enabling international environment was essential to furthering national efforts, particularly in view of the presence of non-State actors whose activities had a direct impact on the development and living conditions of nations. In the absence of appropriate social safeguards, market forces alone could not meet the aspirations of the developing countries. Strengthened cooperation was thus essential in a globalized world if the problems outside the control of national Governments were

to be effectively addressed. Globalization might have led to the free movement of goods and capital, but it had not yet resulted in any progress or development benefits for the majority of the world's population.

15. In the absence of bold concerted action, the gap between developed and developing countries would inevitably widen. The extent of the threat posed by underdevelopment to international peace and security was usually underestimated. If alternative North-South relations were to evolve, the developed world must take cognizance of the impact of an impoverished South on its own stability and well-being and international practices and policies must be radically rethought. World peace, together with sustainable prosperity, in the North would be impossible without accelerated development in the South.

16. New partnerships based on equal rights to development were necessary for the effective tackling of global issues such as the environment, drug trafficking, organized crime and refugee flows. To that end, constructive and substantive dialogue between North and South was indispensable.

17. The right to development must therefore be addressed in terms of such crucial issues as structural adjustment, foreign debt, capital flows for development, equitable participation in world financial markets, access to technology, and scientific and technical capacity-building for the South.

18. Mr. RAMIREZ BOETTNER (Observer for Paraguay) said that the adoption of the Declaration on the Right to Development had been the culmination of international efforts on behalf of human rights. Similar progress had been achieved in his own country, where, following the fall of the dictatorship in 1989, democracy had been established and full respect for human rights enshrined in the new Constitution. There was, however, a practical difficulty in ensuring enjoyment of the rights contained in the international instruments and Paraguayan law, namely a lack of financial resources which, in turn was due to the problem his country faced in selling its agricultural produce. The developed countries either had closed markets or imposed quotas, together with high tariffs and export subsidies, while, as a landlocked country, Paraguay incurred higher costs in reaching international markets.

19. The lack of resources had to be remedied before his Government could improve the lot of the average Paraguayan, especially in the fields of education, health and infrastructure. The Government was engaged in discussion in international forums, especially the World Trade Organization (WTO) in an endeavour to persuade the developed countries to open up their markets, especially for agricultural produce, and thus practise what they preached concerning international solidarity and free trade.

20. International cooperation had been most useful in providing training in developing countries, speeding the progress of development through education and introducing new technologies to improve production, especially in agriculture. The scale of official development assistance (ODA) had diminished, however, and the target of 0.7 per cent of gross domestic product (GDP) had been quietly forgotten. The solution was therefore to open up markets, abolish distorting subsidies and base international trade on solidarity and mutual assistance.

21. Mr. SCARBI (Observer for Uruguay), reaffirming his country's full commitment to and support for the right to development, said that the priority accorded to development in his reform programme by the Secretary-General of the United Nations had conveyed the clear message that multilateral treatment of the subject was being consolidated in the international agenda. His delegation attached great importance to the work of the open-ended working group on the right to development and trusted that the procedural resolution to be submitted on the subject would be adopted by consensus, thereby enabling substantive work to begin on devising clear and specific guidelines for the promotion of the right.

22. The interdependence of the subject of the right to development called for greater dialogue between OHCHR and the multilateral financial institutions, since the development strategies promoted in recent years by these institutions had entailed limitations on the development process. The new approach by the institutions to strategies and policies must take account of the social and human dimensions of development.

23. Uruguay had implemented a number of national measures on behalf of human development, notably in the areas of health and education. Its education reform had brought thousands of four-to-five-year-olds into the education system and had resulted in a 50 per cent fall in the level of school drop-outs and an increase in student registration. Uruguay currently earmarked 10 per cent of its GDP for health services, and reduced infant mortality had led to an increase in life expectancy in the various age groups.

24. His Government wished to emphasize the importance of multilateral trade in achieving the objectives of the right to development. At Seattle in 1999, the Minister for Foreign Affairs of Uruguay had outlined the Government's position regarding the agricultural sector in his statement to the WTO Ministerial Conference. It was crucially important for Uruguay that the agricultural sector be governed by the WTO rules and disciplines.

25. Mr. BRENNAN (Observer for South Africa) said that the important right to development had remained largely conceptual and theoretical because, rightly or wrongly, it had been the subject of tension between North and South. His delegation thus welcomed the statement by the High Commissioner for Human Rights that primary responsibility to act for the realization of the right to development and in defence of economic, social and cultural rights rested with Governments. It also strongly endorsed her call for non-discrimination in the implementation of all human rights and her stress on the importance of international cooperation to that end.

26. While the overwhelming majority of States recognized that a commitment to promoting the broad range of human rights was the primary responsibility of national Governments, it was not possible for the Governments to do so alone, especially in a world characterized by the reduced power of the State, globalization, crippling foreign debt, structural adjustment policies and ever-dwindling levels of ODA.

27. The right to develop was an overarching right which transcended other rights, ensuring that individuals were enabled to move from being subjects to being citizens able to make choices. Its most vital element was the fact that its conceptualization formed a broad framework within which all human rights found practical expression, and it could be perceived as being implemented only when individuals within States enjoyed all their economic and political rights.

28 His own Government's Reconstruction and Development Programme was designed to redress the social and economic imbalances that still existed in the country and to ensure access by all persons to basic needs and services. By reprioritizing the national budget, the Government had ensured that over 60 per cent of public expenditure was devoted to meeting basic economic and social needs.

29 His delegation hoped that the Commission would be able to forge a consensus around the right to development and believed its initiatives should seek to focus on national experiences aimed at the practical realization of the broad range of human rights, and to make them a major determinant in development in all States by promoting national development planning based on international human rights norms, encouraging national human rights action plans to integrate all human rights and place them in a human development perspective, calling on national human rights institutions to incorporate the right to development in their mandates, and promoting human rights education as a link between human rights and development.

30 Mr. Jakubowski (Poland), Vice-Chairman, took the Chair

31 Mr. MADI (Observer for Jordan) said that, although it was a fundamental human right to which all people in the world were entitled, the right to development should not be used to justify the non-implementation of other rights. The concept of development involved all the economic aspects of life, and an adequate structure had to be found to allow people to enjoy the right to development and to benefit from it. Once the right to development was implemented, it would result in increased employment and reduced poverty.

32 Human rights were indivisible and there had to be an objective balance between them all. The State was the only entity responsible for establishing priorities for development, but it needed the participation of civil institutions and national and non-governmental organizations (NGOs). There was also a need to strengthen the role of international organizations in ensuring that the public was aware of projects.

33 One of the main obstacles to implementation of the right to development was the burden of debt, which jeopardized social structures within States. Economic readjustment and restructuring programmes had negative impacts on populations in the short and medium term. The new concept of development stressed the human element and the need to enshrine the concept of sustainable development through implementation of new instruments that were in keeping with the development needs of individual countries.

34 His delegation welcomed the efforts of the High Commissioner for Human Rights to implement the principles of the right to development and the establishment of the open-ended working group on the right to development. It also supported the recommendations made at the workshop held in San'a, Yemen, in February 2000.

35 Mr. VAN DER HEIJDEN (Observer for the Netherlands), having wholeheartedly endorsed the statement made by the representative of Portugal on behalf of the European Union, said that his delegation welcomed the manner in which the independent expert on the right to development had analysed the issue in his study (E/CN.4/1999/WG.18/2). It praised his effort to

break away from old ways of thinking and develop new ideas for tackling the development issue and agreed with the framework he proposed for operationalizing the right to development.

36 It would be an interesting task for the open-ended working group on the right to development to assess whether the model put forward by the independent expert, based as it was on a step-by-step approach to the rights to food, to primary education and to primary health care, needed to be adjusted, extended or modified. His delegation looked forward to seeing the model further developed in cooperation with the special rapporteurs, the World Bank, the regional banks and the specialized agencies.

37 He agreed with the independent expert that development assistance or foreign aid was not the only method for development cooperation. It was clear that ultimately development could not be achieved through development cooperation and assistance alone, and the independent expert should be encouraged to explore further the approach of a development compact in consultation with the various agencies he had mentioned and with the help of case studies.

38 Mr. TEKLE (Observer for Eritrea), noting that the Declaration on the Right to Development stated that effective international cooperation was essential in providing countries with appropriate means and facilities to foster their comprehensive development, said that international cooperation had not been as forthcoming as it should have been. It was also true that conditions beyond their control had had a baneful effect on the development of the African countries. Nonetheless, it was within the African countries themselves that the root causes of their development predicaments were to be found and the primary responsibility for their solution lay with those countries' Governments.

39 In the past two decades, Africa had experienced a steady deterioration in the quality of life of its people, the most important cause of which had been conflict between and within States. Almost all the countries in the Horn of Africa had found it impossible to sustain any significant development programmes because of the interminable conflict in the subregion. The armed conflicts between and within States had destroyed capital and shattered infrastructure, reduced savings and investment, triggered massive capital flight, and diverted resources towards military expenditure.

40 The Horn of Africa was still in turmoil, and it was not possible for any development to take place there. Indeed, the conditions bedevilling the subregion should provide food for thought concerning the causes and consequences of conflict in Africa, and help the international community to appreciate the intrinsic relationship between peace and development. It would be heartening if the Commission were to adopt a resolution spelling out the actions that the international community must take on peace and development on the basis of the lessons learned from the experience of the Horn of Africa.

41 Mr. HASSAN (Observer for Yemen), said that the importance of the right to development had been demonstrated by the holding of a workshop on the subject in San'a, Yemen, in February 2000, a workshop that had been attended by the High Commissioner for Human Rights. It was his Government's hope that the international and regional cooperation

that had taken place during the workshop would result in decisions and recommendations that would reduce poverty and improve living standards, ensuring the realization of all human rights, including the right to development.

42. Development was an urgent necessity for developing countries desirous of eliminating the scourges afflicting them. In its implementation of human rights, his country had encountered difficulties in respect of financial and administrative reforms which would have a very significant impact on the national economy. Although its programme to implement human rights had enjoyed support from Germany, the Netherlands and Japan, it needed further support to be successful.

43. The CHAIRMAN asked the representatives of NGOs to begin their statements by giving the name of the NGO on whose behalf they were speaking. Written copies of their statements should be made available in advance to the conference officers. When those written copies identified a speaker, it was assumed that he or she would actually deliver the statement. If that was not so, another duly accredited member of the same NGO should give his or her name, and request that the name indicated on the advance copies be changed. In that way, misrepresentations would be ruled out and misunderstandings avoided.

44. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that all the actors engaged in implementation of the right to development hoped that their expectations would not be dashed and that the programme of human development in the current phase of globalization would focus on the essential points that met the fundamental needs of rural populations before meeting the demands of the markets. The WTO Ministerial Conference in Seattle had encountered the forces of civil society bent on curbing the ravages of uncontrolled globalization and its consequences for the daily lives of individuals and the future of societies.

45. For the first time, the relentless pursuit of unfettered liberalism was being very strongly challenged. World public opinion was no longer prepared to be left outside the debates which affected it directly. Agriculture lay at the heart of the debate, and the rural movements and peasant organizations within his Federation, concerned as they were that the markets held sway over the need for sustainable and equitable development and that the powerful multinational food companies dictated the future of small producers, were mobilizing and organizing to implement other forms of production and trade.

46. The rural movements that the Federation represented wished to draw the attention of the international community to a number of points, namely, the need to recognize and guarantee the sovereignty of States in implementing sustainable development policies; the need for an evaluation of WTO policies so that social, cultural and environmental criteria, as well as the fact that countries were at different stages of development, were taken into account in any new negotiations; the need for States to intervene and demand the strictest transparency and democracy in the way the WTO operated; the need to prevent the developing countries from being marginalized in the negotiations and excluded from discussion of matters of vital importance for their peoples and their future; the need for trade to be subject to international law; and the need for greater coherence between the rules of trade and human rights.

47. Mr. LADOR (Earthjustice Legal Defense Fund) said that the Narmada Valley development project in Central India was a good example of the contradiction between projects developed for the "common good" and massive violations of human rights. As a result of the project - whereby 3,000 small dams, 135 medium dams and 30 large dams were to be built - more than 100,000 people had already been displaced without any real and appropriate resettlement. The largest dam would eventually be 138 metres high and would displace 200,000 people according to the official estimate. There would not be enough land and infrastructure to relocate such a large number of people, and they would end up in the slums. Since 1986, the people of the Narmada Valley - who were mainly untouchables - had been involved in a movement of non-violent resistance, that had been met by repression, mass arrest, physical violence and intimidation.

48. The Commission must look into violations of fundamental rights caused by development activities. Large-scale projects were possible only with the involvement of international agencies, bilateral aid and private companies, and the Commission was the only body that could clearly establish the facts so that all the actors, in a spirit of cooperation, were able to take the right decisions regarding the human rights consequences of their investments.

49. Ms. THORNTON (Human Rights Advocates) said that international institutions, including the World Bank and WTO, worked on the assumption that economic development automatically meant higher standards of living for all. In fact, however, human rights were often violated in the name of development. The environment, for instance, must not be viewed as distinct from human rights since environmental damage compromised the health and welfare of individuals. When poor people who depended on natural resources for their survival objected to the environmental degradation of their lands and asserted their right to participate in government, they were often silenced through torture, arbitrary detention and extrajudicial killings.

50. Cooperation between the Bretton Woods institutions and other United Nations bodies had been improved, but environmental and human rights considerations needed to be further integrated into analyses of the benefits of economic development. Such considerations must cover the costs of displacing peoples, the lack of access to political process, the impact of environmental degradation on health and the destruction of natural resources.

51. Gross National Product (GNP) as such did not provide an accurate measurement of widening income disparities. Her organization thus agreed that international mechanisms should be developed to ensure a more equitable distribution of the benefits of economic growth, with a view to improving the health and welfare of individuals. The heavily indebted poor countries (HIPC) initiative was most welcome in that connection. The mandate of the Special Rapporteur on the illicit movement and dumping of toxic waste should be expanded to include the broader issue of human rights and the environment or else the appointment of a Special Rapporteur on human rights and the environment should be considered.

52. Mr. MBOMIO (North-South XXI) said that discussion of the current item should take due account of the UNDP Human Development Report and particularly of its development indicators. The UNDP data should be incorporated into the Commission's basic working documents. A less inequitable distribution of the world's wealth would constitute a major step towards solving fundamental social problems. Attempts to cause NGOs to act primarily as

buffers against the harsh social consequences of liberalization and globalization represented a return to the nineteenth century and to the human costs of the industrial revolution.

53. Not only was the South refused the right to development, but that right was increasingly contested by the developed countries in the name of market logic which concentrated wealth in the hands of a few. That same logic favoured a consumerism which desecrated natural and human resources. The Commission must make a comprehensive assessment of the obstacles to the realization of the right to development.

54. Mr. QUIGLEY (Franciscans International) said that the seminar co-hosted by his organization in September 1999 had shown that there was a clear need for the intended beneficiaries to be involved in the planning and implementation of any development project. The right to development involved more than discussions about economic assistance. Transparency and accountability were necessary to ensure that funds intended for development were not misused. Women must be more involved in the planning and implementation of programmes, and the international community needed to address new ways to finance programmes to help individuals, nations and regions to develop their potential.

55. His organization shared the belief of the High Commissioner for Human Rights that development, democracy and human rights were intimately related and interconnected.

56. Mr. Simkhada (Nepal) resumed the Chair.

57. Mr. WADLOW (Association of World Citizens) said that the independent expert's study on the implementation of the right to development (E/CN.4/1999/WG.18/2) highlighted all the elements contained in the Declaration and Programme of Action on a Culture of Peace, the adoption of which by the General Assembly at its fifty-third session he warmly welcomed. The time had come to move beyond the conceptual stage, however, and make the right to development operational. The independent expert's proposals, based as they were on existing international standards, were fully feasible and there were specialized agencies, government ministries and NGOs that could carry them out. The concept of solidarity contracts, widely developed by the International Institute for Labour Studies of the International Labour Organization (ILO), would permit multi-year planning and the mobilization of resources.

58. Groups were emerging which disagreed on many issues but were united by a sense that economic and social trends were out of democratic control and that not only Governments but international agencies also were involved in the marginalization of people. Unless the human rights community could demonstrate that open, democratic structures were being put in place to achieve the right to development, the number of such angry groups would grow and they would increasingly make their presence felt.

59. Ms. JUSUF (Society for Threatened Peoples) said that the peoples of the southern Sudan had reaped no benefit at all from the exploitation of the huge reserves of crude oil under their land. On the contrary, the Sudanese Government appeared to be intent on depopulating the region around the oilfields and pipeline, employing scorched earth policies in order to achieve

that aim. In alliance with the international oil companies, that Government was denying the whole region any chance of development, and was extensively violating all the relevant human rights mechanisms.

60. The situation deserved the most serious attention, and she urged the Commission to demand that the Sudanese Government allow the free entry of human rights and relief organizations and journalists into the oil region. Refugees must be able to return to their villages and be provided with urgently needed humanitarian aid. The severe human rights violations in the area must be halted and the international oil companies urged to stop the extraction of oil until a peace treaty acceptable to all sides had been concluded.

61. Ms. FARHA (Centre on Housing Rights and Evictions) said that Governments all too often disregarded the universal understanding of development as a comprehensive economic, social, cultural and political process, preferring instead to prioritize the achievement of economic growth at the expense of human rights and the protection of the environment. That disregard was manifested in numerous violations of housing rights.

62. In addition to the millions of people displaced as a result of armed conflict, another 10 to 14 million people were being evicted from their homes for the sake of development projects, beautification schemes or international conferences. Moreover, people all over the world were living in inadequate housing, lacking proper sewage systems and clean air. At least one third of humankind had no access to clean drinking water and up to half lacked secure tenure.

63. Widows, single mothers and divorced or separated women were rendered homeless and landless because of gender-biased laws and customs denying women equal rights to control over or the inheritance of land, property and housing, and women and young people were forced to remain in situations of domestic violence because they lacked the economic resources to escape.

64. In all such abuses of housing rights, women were disproportionately affected, largely owing to the endemic discrimination against women who were, moreover, often excluded from all aspects of the development process. Her organization therefore urged the Commission to adopt the draft resolution sponsored by the delegation of Mexico on women and the right to land, property and housing and the resolution sponsored by the delegation of Germany on the appointment of a special rapporteur on housing rights. All Governments should review their legislation and customs regarding land, property and housing with a view to eliminating the discrimination suffered by women.

65. Mr. OZDEN (Centre Europe-Tiers Monde), speaking also on behalf of the Movement against Racism and for Friendship among Peoples, said that neo-liberal economic policies continued to be offered as the sole blueprint for development. As the UNDP report revealed, however, income disparities were widening as a result of economic globalization. The report of the independent expert on the right to development (E/CN.4/1999/WG.18/2) failed to address those social realities and lacked any structural and systemic analysis of root causes. In particular, no mention was made of the collective dimension of the right to development, or of political strategies towards the realization of that right.

66. It was not a question of demonizing any particular group. The blame lay with an economic and social system based on the accumulation of profit, where competition and market logic - rather than fair distribution, security or sustainable development - were the driving forces in society. It was not that individual rights, such as the right to food, health and education were unimportant, but that collective rights should also be prioritized. They included the right to collective security, to a State based on the rule of law and to the reduction of inequalities, both within and between countries.

67. It was vital, also, to assert the collective right of communities to determine the specificities of the society they wished to promote. To that end, the Bretton Woods institutions, in particular, must admit the possibility of pluralism in the elaboration of development strategies and objectives. Only then might a systematic and comprehensive analysis of the collective dimensions of the right to development be made, at both the international and national levels.

68. Mr. JOSEPH (Pax Romana) said that nearly 700 million people in 41 heavily indebted poor countries faced a debt burden of US\$ 221 billion. Loans intended for development purposes had turned into burdens. It was imperative that the Member States of the United Nations should act. Debt cancellation, however, would not be enough. New mechanisms of development financing would need to be found, since many States would still need money to propel their economies. The introduction of interest-free loans would be most desirable. Trade policies under WTO rules should also recognize human development indicators.

69. The world was not short of cash. Non-State actors, especially transnational and multinational corporations, should invest some of their profits in developing infrastructures in cooperation with States, the more so as many of them benefited financially from State resources. The level of corruption in many countries was alarming, however. Many developing nations were among the most corrupt. A global governance mechanism should be installed to monitor States' adherence to their human rights commitments.

70. Many States channelled much of their budget into unproductive expenditure such as defence. Half of Myanmar's budget went on maintaining one of the world's largest armies, whose only major "enemy" was its own people. India had increased its defence budget by 28 per cent and China by 21 per cent. It was a mockery that States should put their money into armaments and then seek development aid.

71. The right to development needed collective action by intergovernmental organizations, States and civil society. In many Latin American and Asian countries, the involvement of NGOs in development issues had been minimal, largely because they were accused of being opposed to development if they made critical comments about State policies. He called on the Commission to acknowledge more explicitly the positive role of NGOs in implementing the right to development.

72. Ms. KLEIN (Brahma Kumaris World Spiritual University) said that the right to development was an integral part of the right to life. Development had been part of the natural process of evolution long before it had been considered a right. Modern society, based on profit and competition, promoted an attitude that excluded large groups of people. It was harmful and counterproductive not to establish a culture of peace for every human being. Enabling others to

develop their personal capabilities would lead to the creation of an interactive system that would be a source of harmony for all. The "global village" required from each person a demonstration of cooperation and brotherhood, so that everyone could develop fully as a citizen of the world through the development of consciousness and freedom from negative tendencies that restricted the individual's personal development.

73. Mr. NESHAT (Organization for Defending Victims of Violence) said that the implementation of the right to development was hampered by the increasing gap between the developing and developed countries, as well as by growing conflicts, marginalization, instability and serious environmental problems. The possible solutions included the transfer of scientific know-how and technology, to removal of economic sanctions - which punished people rather than States - and the reduction of military budgets, the resulting resources being used to help developing countries pay their external debts.

74. His Organization called on the Commission to adopt measures to reduce the burden of foreign debt. It would be useful to evaluate recent experiences in that regard, clarifying how useful such efforts had been, how potential beneficiaries were defined, what kinds of conditionality were imposed and what new initiatives might be proposed.

75. Serious attention should be paid in the Western countries to the dignity of the human being. Although most economic needs were met in those countries, the dominance of materialism had overlooked the spiritual needs of individuals and communities. In the least developed countries, too, poverty and hunger led to spiritual values becoming inaccessible. It seemed that a favourable cultural environment was required for the full realization of the right to development.

76. Ms. BELLAMY (International Confederation of Free Trade Unions) said that, despite economic growth in many parts of the world, many countries were still caught in the poverty trap. What prosperity there was was inequitably shared and remained fragile. Interest rates had had to be raised in the United States of America in order to reduce consumption, while half the world population survived on less than US\$ 2 a day. The Confederation, which represented 215 trade unions in 145 countries, called for the reform of the multilateral cooperation and development system. Decent working conditions should be at the heart of a new framework in which globalization would be beneficial to all.

77. In view of the interdependence between development, democracy and human rights, more rapid development would require that democracy be strengthened, with international support for policies that respected trade unionism and other human rights, reduced military expenditure and invested more in education and health. It also required the integration of the informal sector into the development process and the introduction of labour regulations.

78. The Confederation welcomed the increased attention paid to poverty reduction, in which civil society ought to be more closely involved. Any serious commitment to reducing poverty would have to include consideration of such factors as social welfare, education, health and employment.

79. It was deplorable that the meagre resources of the poorest countries went on debt repayment rather than social expenditure. The joint initiative of the International Monetary Fund (IMF) and the World Bank, though admirable, did not go far enough to enable the most heavily indebted countries to emerge from the vicious circle of poverty and should be reviewed. The debts of Mozambique and Madagascar should be cancelled altogether.

80. One of the issues linked to development was that of post-conflict reconstruction. That was currently the situation in Kosovo, where the lack of discussion with local people on reconstruction plans, the occupation of factories by military forces and the negligent approach to economic recovery would eventually undermine the international community's efforts. East Timor also had urgent need of help. It had no labour organization and no regulation of salaries, working conditions, health or safety.

81. Ms. GREENWOOD (Liberation) said that, despite the clarity of intention in the Declaration on the Right to Development, it was becoming increasingly obvious that the more powerful States were using their strength to hinder the development of the poor economies by the use of extortionate interest rates on foreign debt. They were also resorting to forms of economic blackmail, such as the use of trade embargoes, to ensure political conformity. Indeed, some States used similar methods to impose conformity on cultural diversity within their own communities. It was a matter for concern that, regardless of United Nations resolutions and assurances by the Cuban Government that it was moving towards a more open and pluralistic society, the economic embargo on Cuba continued.

82. Her organization was concerned at the proposed development of the Ilisu dam on the Tigris in Turkey, which would not only destroy a Kurdish town and a number of villages but would also affect the water supply to Iraq, thus causing economic and environmental problems that might destabilize the region.

83. Kurdish people in Turkey were denied the right to exercise their national and cultural identity, including the free use of their language. The Turkish Penal Code meted out heavy prison terms to anyone advocating views deemed undesirable by the establishment, especially those in defence of the rights of the Kurdish people. Over 100 prisoners of conscience had been sentenced on those grounds. A former prime minister had recently been sentenced to a year's imprisonment for expressing his views.

STATEMENT BY THE DEPUTY MINISTER OF JUSTICE OF VIET NAM

84. Mr. HA HUNG CUONG (Viet Nam) said that despite many difficulties experienced as a consequence of the war, his Government had focused on establishing and strengthening the legal system, especially with respect to the incorporation of human rights and fundamental freedoms for all. The goal was to build a State based on the rule of law and to provide for the equal rights and obligations of all citizens. As part of the national renewal process, new legislation had been enacted in a number of important areas, to promote civil and political, as well as the economic, social and cultural rights. With a view to enhancing the effectiveness of State machinery and of the legal system, efforts were under way to enhance grass-roots participation in political, economic and social decision-making and to provide legal education for the general public.

85 After many years of conflict, Vietnamese people deemed the collective and individual right to development to be particularly vital. The national renewal process aimed at promoting that right in all its aspects, and was based on the understanding of the interdependence of economic development and social policy.

86 Viet Nam continued to attach the highest priority to poverty alleviation, despite being a low-income country and having to support millions of war victims. Consequently, over 20 per cent of the State's limited budget was devoted to social development. Significant progress had been made in poverty eradication: the number of poor people had been reduced from 30 per cent in 1992 to less than 16 per cent in 1998. His Government had also set poverty reduction targets and established credit facilities for the poor.

87 Every country was faced with the long-term challenge of ensuring human rights more effectively. In that connection, it was important that a Government should continually uphold its human rights objectives and pursue consistent policies towards that goal.

STATEMENT BY THE MINISTER OF HIGHER EDUCATION OF TUNISIA

88 Mr. CHAABANE (Tunisia) said that effective steps must be taken to deal with the deteriorating human rights situation in many parts of the world. For its part, Tunisia had opted for a balanced approach to economic and political liberalization that had brought social tranquillity and sustainable development. His Government's development policy was based on the interdependence of politics and economics, and had produced consistent levels of growth in GDP. Inflation had been reduced, life expectancy increased, social welfare provision had been extended to the greater part of the population and the numbers of those living in poverty had been much reduced.

89 Because economic growth had not been achieved at the expense of social benefits, his country had been spared unrest. While religious fanaticism was on the increase in every part of the region, modernization and tolerance continued to prevail in Tunisia. Other societies were still denying women the most basic civil rights, but Tunisian women enjoyed all of them since his Government believed that the participation of women in economic life and political institutions was the best defence against fundamentalism. The number of females in higher education outnumbered males and the fertility rate had been reduced to some 1.2 per cent. The future for women in Tunisia looked bright, therefore, with an equitable balance between the family and society.

90 The eradication of poverty and the fight against marginalization were considered to be an obvious way of eliminating political tension and avoiding the renaissance of fundamentalist movements. The belief in solidarity prevalent in his country had created a new sense of civic responsibility among young people. Voluntary contributions to a solidarity programme had brought real development benefits to more than 1,000 rural communities. In view of the success of that programme, the President of Tunisia had urged that an international solidarity fund should be created. Such a fund could help reduce the disparities brought about by globalization and, in countries as yet unable to compete, slow the growth of poverty and marginalization. His

Government thus appealed to all international organizations to increase their endeavours in that field and bring pressure to bear on decision makers and transnational companies to create such a fund.

91. His Government had promulgated courageous laws to liberalize the political process, notwithstanding the risk of such liberalization being exploited by extremists. It was more important than ever to work for understanding and solidarity and to outlaw all forms of discrimination. A new set of recommendations, legislation and mechanisms was needed in order to promote a culture in keeping with the new, liberal and globalized economy.

92. He hoped that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination would adopt practical measures that would help to eradicate racism and bring about new tolerance and understanding. The success of the Commission's current session in promoting tolerance, understanding and the affirmation of the right to development would ensure a better future for all, enable challenges to be overcome and bring security and prosperity to all.

The meeting rose at 1 p.m.



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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 March 2000, at 3 p.m.

Chairman Mr. SIMKHADA (Nepal)

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TERRITORIES, INCLUDING PALESTINE

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GE.00-12144 (E)

The meeting was called to order at 3 05 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON reported on the results of the fourth meeting of the Bureau. The latter had continued consideration of the programme for the special debate on the issue of poverty and the enjoyment of human rights. The programme would be submitted to the Commission as soon as it had been finalized.
2. The Bureau had adopted a number of new recommendations concerning the conduct of business during sessions of the Commission.
3. Henceforth non-governmental organizations would not be entitled to make more than six statements per session. For joint statements by NGOs the maximum speaking time would be 5, 7, 10 or 12 minutes, according to the number of NGOs associated with the statement. In view of the limitation of six statements per NGO per session, participation by an NGO in a joint statement would count as one third of a normal statement. All NGOs associated with a joint statement should be duly accredited as participants at the session concerned.
4. Members of the Commission and observer States which formed the subject of specific reports or were considered as concerned countries would be allowed an additional five minutes under the item under consideration. Members would thus be allowed to speak for 15 minutes, and observers for 10 minutes, in total, that speaking time could be divided into two separate statements if desired.
5. The Bureau had allowed 10 minutes for initial statements by Special Rapporteurs, representatives, independent experts and chairpersons of working groups, (plus 2 minutes for each mission carried out by thematic rapporteurs) and, if they so wished, 5 minutes for their conclusions. All of them should, if possible, be present during the entire period of consideration of the items concerning them.
6. The time allowance for guest speakers would remain at 15 minutes, in accordance with normal practice.
7. Sponsors of draft resolutions would be allowed five minutes to introduce their text.
8. On the question of points of order, the Bureau recommended that the decisions of the Chairpersons of the fifty-fourth and fifty-fifth sessions should continue to apply, namely that delegations from observer States should be entitled to raise points of order and that recourse to points of order as a means of interrupting guest speakers should not be allowed.
9. All draft proposals emanating from the Sub-Commission on the Promotion and Protection of Human Rights would be considered under the relevant agenda item.

10 With regard to written NGO statements, all such statements submitted sufficiently in advance would be distributed in all the working languages. Those which were not submitted in good time could be distributed in the original language and subsequently translated into the other working languages as soon as possible.

11 Mr. RODRIGUEZ CEDENO (Venezuela), speaking on behalf of the Group of Latin American and Caribbean countries, recalled that his group had joined in the consensus which had emerged at the beginning of the session on the dozen or so proposals designed to rationalize the work of the Commission. He accepted the need to make optimum use of the time allowed to the Commission and, as a consequence, the placing of time limits on statements. However, he regretted the rigidity and complexity of the rules applying to joint statements by NGOs; he would have preferred a more equitable and above all simpler method of allocating speaking time, if only to facilitate the task of the secretariat.

12 With regard to the statements made by member countries or observers to the Commission on the subject of special or thematic reports of concern to them, it was to be regretted that speaking time had been reduced to 5 minutes instead of the 10 they were previously allowed. That measure was hardly conducive to dialogue within the Commission. On the other hand, the decision to translate communications from NGOs into the working languages, in accordance with Economic and Social Council resolution 1996/31, was a judicious one.

13 Notwithstanding those objections, the Group of Latin American and Caribbean States not wishing to delay the discussions on substantive items, did not intend to seek to block a consensus concerning the organization of the work. However, he emphasized that any proposal from a regional group or from the Bureau for the next session seeking to change the working methods of the Commission should be submitted sufficiently in advance to permit thorough and careful study.

14 Mr. FERNANDEZ PALACIOS (Cuba) associated himself with the previous statement, but wished to return in more detail to some of the proposals presented by the Chairperson. Those proposals were an attempt to deal somewhat hastily with the long-standing problems relating to the working methods of the Commission. The delegations had found themselves faced with a fait accompli and had not had any opportunity of studying the question with care.

15 With regard to statements made on behalf of several States, the Cuban delegation would have wished for a clear explanation of the need to restrict speaking time. When one recalled that in past years certain statements had lasted for over 40 minutes, it seemed unfair now to reduce the maximum to 10 or even 7 minutes.

16 The time allowed for guest speakers, too, was inadequate, especially if it was borne in mind that some of them had made very long journeys to speak to the Commission. The Cuban delegation would have preferred that the speaking time for guest speakers be increased to 20 minutes, or at least that a more flexible rule be adopted. Finally, the time allocations for NGOs and groups of NGOs seemed to him excessively detailed, complicated and difficult to apply.

17. Notwithstanding the foregoing, the Cuban delegation did not wish to place unnecessary obstacles in the way of the conduct of the Committee's work. Out of consideration for the Chairperson, whose skill and sense of diplomacy his delegation appreciated, it did not intend to oppose any consensus which might emerge concerning the proposals which had just been submitted. However, it would not associate itself with that consensus and reserved the right to return to the subject at a later date.

18. The Chairperson thanked the speakers for the conciliatory spirit they had shown. There being no other speakers, he considered that the proposals of the Bureau for the organization of the Commission's work were adopted.

19. It was so decided.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2000/19, E/CN.4/2000/20, E/CN.4/2000/21, E/CN.4/2000/NGO/54, E/CN.4/2000/NGO/70, E/CN.4/2000/NGO/99, E/CN.4/2000/NGO/123)

20. Mr. PARY (Tupaj Amaru Indian Movement) protested against the new international economic order, which was based on extreme forms of productivism and consumerism. He warned against the ravages of globalization, the effect of which was to enrich the dominant classes and to increase poverty, injustice and inequality. In disregard of the resolutions of the United Nations General Assembly proclaiming the inalienable and universal right to development, unrestrained capitalism based on market forces was imposing an ultra-liberal conception of the modern world on the poor countries. The result was that the international development strategy had not attained the targets set. The unacceptable, unfair and discriminatory nature of globalization had to be condemned. Furthermore, the wars of aggression against Iraq and Yugoslavia and the blockade imposed on Cuba - all three sovereign States and members of the United Nations - should no longer be tolerated.

21. Economists, the international financing institutions and the aid agencies had a purely economic concept of development which ignored the human aspects. They reasoned in mathematical terms, and their abstract statistics took no account of human parameters. Unrestrained globalization was seeking to establish a new colonialism in North/South relations from which only transnational enterprises were benefiting.

22. Ms. MALONI (Afro-Asian Peoples Solidarity Organization) expressed concern that during the past decade the process of development had been hindered by violence and obscurantism, of which, in South Asia, the people of Afghanistan were the principal victims. The prospects for development in Afghanistan had been negated by the ravages caused by the intolerance and sectarianism of the Taliban, which had transformed the country into the most important producer of heroin and a haven for terrorists trained in Pakistan. In that connection one might well ask whether the recent massacre of Sikhs was not the execution of threats uttered by the terrorist organization Lashkar-i-Taiba, based in Pakistan, on the eve of President Clinton's visit to India.

23. Development required an open-mindedness which was incompatible with dogmatism and blind submission to religion. Civilization could only flower in a climate of freedom and

democracy; it could not do so in the climate of intolerance of which a return to medieval practices of the kind which organizations such as Lashkar-i-Taiba were trying to propagate beyond national frontiers was a feature. Ideologies which took away freedom were doomed; that was evidenced by the collapse of communism. The international community must react to end the propagation of retrograde ideologies, to preserve the achievements of the past and to build a future under the banner of progress.

24. Mr. SIMMONS (International Indian Treaty Council) recalled two cases in which proposals to drill for oil on lands belonging to indigenous peoples or on adjacent lands were threatening the fundamental rights and the very survival of the peoples concerned. In the first case, situated in Colombia, the Government had authorized Occidental Petroleum to drill in the reservation belonging to the U'wa people. Colombian troops had invaded the reservation, arrested Indians and evicted them or forbidden them to leave. It had even attacked a group of individuals demonstrating peacefully on the drilling site, killing three and injuring many others. In disregard of its own legislation, the Colombian Government had never consulted the U'wa before authorizing the drilling, and it was persisting in its intention notwithstanding the protests of the peoples concerned. The proposed drilling would contaminate the land, the water and the air and would give rise to further violence in lands adjacent to the Indian territory. Some circles had attempted to give credence to the idea that the U'wa were being manipulated by guerrilla movements and non-governmental organizations in the United States. The U'wa had protested against those mendacious accusations, asserting that they were defending their culture and their principles in the interests of society as a whole.

25. The second case concerned the United States, where two draft bills to authorize exploration for oil in the Arctic National Wildlife Refuge natural reserve had been introduced in the Senate and the House of Representatives. That reserve was the habitat of the Caribou, on which the culture and the way of life of the Swich'in people depended.

26. The indigenous peoples had the responsibility for defending their environment and the natural world which had sustained them since time immemorial.

27. Mr. SHINOJI (World Federation of Trade Unions) said that education and fundamental freedoms were essential to development. It was essential to develop in children the open-mindedness and independence of thinking favouring major discoveries and contributing to the advance of civilizations. Those qualities could only be acquired in a democracy. All other political regimes which restrict freedoms had a deleterious effect on teaching.

28. Humans had a need to believe in something, and religion offered them a channel along which to direct their beliefs. Unfortunately, in certain countries children were being indoctrinated with notions of aggressivity under the disguise of religious education. For example, the media had revealed that in Pakistan children in religious schools were learning the basic elements of weapons handling and were being taught to put handcuffs on people. In such conditions it was difficult to awaken a taste for study and intellectual curiosity.

29. The World Federation of Trade Unions requested the Commission to conduct studies into the different teaching systems and the political structures of individual countries in order to

identify those in which freedoms were respected and children were taught to become peace-loving citizens. Since Pakistan offered the most recent example of degeneration of democracy and freedoms, the Pakistani regime might be the one first selected for study. The World Federation of Trade Unions would be prepared to undertake the study and report its findings in order to enable the international community to take concerted action to protect the rights and freedoms of the people of Pakistan, and in particular its right to development.

30. Mr. MAHMOUD (Sudan) wished to exercise the right of reply in connection with the statement made at the previous meeting by a non-governmental organization, namely the Society for Threatened Peoples. The policy of the Sudanese government regarding oil was guided by a concern to improve the condition of the entire population without discrimination. Oil revenue was being used to finance development activities in the Southern States in the fields of education, health and transport. To urge the international oil companies to cease exploration in Sudan would be contrary to the interests of the Sudanese people. The Society for Threatened Peoples should rather ask the SPLA rebels to end the war they had been carrying on for decades. That non-governmental organization was in fact behaving in an anti-development fashion since it was seeking to deprive the population on behalf of which it had taken the floor of the benefits of the prosperity which oil could bring it.

31. The CHAIRPERSON declared the debate on agenda item 7 closed.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/2000/22 and Add 1, E/CN.4/2000/23, E/CN.4/2000/24, E/CN.4/2000/25, E/CN.4/2000/136, E/CN.4/2000/NGO/5, E/CN.4/2000/NGO/12, E/CN.4/2000/NGO/43, E/CN.4/2000/NGO/55, E/CN.4/2000/NGO/71)

32. Mr. GIACOMELLI (Special Rapporteur) said that, although the gulf between human rights standards and their actual implementation seemed to be widening, that tendency should not destroy all hope of making a better world or sap the will to take action. It was with those principles in mind that he had accepted the mandate entrusted to him by the Commission, namely the study of the human rights situation in the Palestinian territories occupied since 1967. The very short time available since his appointment was the reason for the late submission of his report (E/CN.4/2000/25). Since the report was self-explanatory, he would confine himself to a few remarks.

33. While in the field of human rights a mere reduction in the level of violations was itself considered as an encouraging sign, it unfortunately had to be recognized that in the occupied Palestinian territories there had been no perceptible improvement. In view of the indivisibility of human rights and the fact that the situation in those territories had lasted for over 30 years, there was nothing to indicate that the overall human rights situation in the occupied Palestinian territories was an encouraging one. In fact, the current situation was particularly disturbing, as in the view of most of the individuals the Special Rapporteur had met it was a negative side-effect of the peace process itself. Moreover, the violations committed were having lasting and far-reaching effects. They affected not only the individuals who were direct victims but also the fabric of society. In addition, they had particularly serious effects on certain vulnerable groups of society, such as the young.

34. The Special Rapporteur did not claim to have established a complete picture of the situation after an intensive but short immersion in a reality as complex as that of the occupied Palestinian territories. In addition, his task had been made particularly difficult by the lack of dialogue with the occupying Power. The Commission was aware of the arguments advanced by Israel to justify its refusal to cooperate with the Special Rapporteur; they had been set out in the report of his predecessor (E/CN.4/1999/24). Basically, the reasons given were an alleged lack of balance in the mandate and its open-endedness. Unfortunately, the position of the Israeli authorities on the subject had not changed during the period under review.

35. It should, however, be pointed out that, whereas the mandate had been established for the investigation of violations related to the occupation, a new and dynamic situation had developed in the area concerned. It was for the Commission to decide whether the mandate in its present form still served its purposes and whether other mechanisms available to it would be appropriate and adequate to deal with other aspects of the human rights situation in the occupied territories. Currently everyone hoped that the peace process would have a positive outcome. Everyone with the ability to do so should promote that end. The Commission, for its part, had the daunting task of seeking a solution which would preserve the enjoyment of human rights. If no such solution were found, not only would justice be violated but the peace thus achieved would bear in it the seeds of its own destruction.

36. Mr. RAMLAWI (Observer for Palestine) took note with satisfaction of the reports submitted in connection with the agenda item under consideration. He referred in particular to the most recent report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/54/73) and the report of the Special Rapporteur on the Palestinian Territories occupied since 1967 (E/CN.4/2000/25). He expressed his gratitude to the Special Committee and the Special Rapporteur for their efforts to bring out the truth and to attempt to put an end to the violations of human rights taking place in the area covered by their mandate.

37. The continued deterioration of the human rights situation in the occupied Palestinian territory, including Jerusalem, proved once more that the occupation of territories by force was a grave violation of human rights. It also proved that violations of human rights did not end until the military occupation itself came to an end. The Israeli occupation authorities were ignoring both the resolutions of the Commission and those of the General Assembly. They also disregarded Security Council resolutions, which called on the Israeli Government to respect the principles of international humanitarian law, and in particular the Fourth Geneva Convention.

38. The Israeli occupation authorities were continuing to breach the 1907 Hague Regulation Concerning the Laws and Customs of War on Land, the Fourth Geneva Convention of 1949, the Universal Declaration of Human Rights and the international human rights covenants. Evidence of this was to be found in the deliberate killings, arbitrary detentions, confiscation of land, the establishment of settlements, transfers of Palestinian populations out of Palestinian territory, particularly in East Jerusalem, and the settlement of Israeli Jews in the Palestinian lands occupied by force, particularly in the city of Jerusalem, with the aim of their Judaization. Torture was still a current practice during interrogations of Palestinians. Arbitrary and "administrative" detentions, collective punishments in the form of closures of Palestinian territories and house demolitions were continuing.

39. The most outrageous practice perpetrated by the Israeli authorities in the occupied Palestine territory was the discrimination and racial segregation imposed on Palestinians. Palestinian lands were dismembered; villages and towns were cut in two; and the West Bank was isolated from the Gaza Strip. Those practices recalled the policy followed by the racist regime in South Africa before the abolition of apartheid in that country. Thus the Israeli authorities were also violating the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

40. During his recent visit to the region Mr. Dianj, Secretary-General of the International Commission of Jurists, had emphasized the racist character of the regime imposed by the Israeli occupation authorities and its resemblance to the policy followed by the apartheid regime previously in force in South Africa. That reality was corroborated by the facts mentioned by the current Special Rapporteur in his report.

41. He requested the members of the Commission carefully to study the reports he had mentioned, and in particular that of the Special Rapporteur and that sent by the Permanent Observer for Palestine to the High Commissioner for Human Rights concerning the deterioration of the human rights situation in occupied Palestinian territory, including Jerusalem (E/CN.4/2000/136).

42. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic) energetically denounced the continuance of violations of human rights in the occupied Arab territories. Israel was ignoring the resolutions of the Commission, the General Assembly and the Security Council. What was more, it was continuing to flout the principles contained in international human rights instruments and the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war.

43. The Commission had available to it the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories established in pursuance of General Assembly resolution 2443 (XXIII) of 19 December 1968. Since that time the situation had not changed, in fact, it had worsened.

44. Documents A/54/73 and Add.1 reproduced extracts from the Israeli press and from statements by senior Israeli officials; those extracts clearly showed that Israeli policy was at the origin of grave human rights violations. Document A/54/327, and in particular its paragraphs 216 to 249, described the highly tense situation existing in the occupied Golan Heights. It offered unchallengeable evidence that Israel was not respecting the international human rights covenants. In the occupied Syrian Golan Heights living conditions were worsening on account, among other things, of the expansion of settlements, diversion of water, deprivation of fundamental freedoms, arbitrary imprisonments and a deterioration of health conditions.

45. The Special Committee had recognized that the Israeli occupation was the cause of the violations of human rights and that the latter would not cease until that occupation ended.

The Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights should discharge their responsibilities and take steps to protect the Palestinians, the Lebanese and the Syrians from the arbitrary elements in the iniquitous regime imposed by Israel.

46. Mr. MENDONÇA MOURA (Portugal), speaking on behalf of the European Union and the Central and Eastern European countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia - and also Cyprus, Malta and Turkey, welcomed the positive developments in the peace process in the Middle East, which reflected the commitments of the parties to peace and stability in the region. However, the European Union regretted certain delays and shortcomings in the implementation of several of the aspects that had been agreed on. It hoped that during the year 2000 it would be possible to achieve a just, lasting and comprehensive peace based on international law and United Nations Security Council resolutions 242/338 and 425. Only peace would bring freedom, security and prosperity to all the peoples of the region and enable them fully to enjoy their rights.

47. Respect for human rights in the Middle East, and particularly in the occupied territories, was an important factor in building trust, strengthening cooperation and ultimately achieving peace. Israel and the Palestinian authority had committed themselves to respect human rights and fundamental freedoms. Clearly, both had legitimate security concerns; but priority must be given to the rule of law.

48. The European Union maintained its position on the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and observed that that Convention was fully applicable to the occupied territories, including East Jerusalem, and had force of law within that conflict.

49. In the area of human rights the European Union observed that serious violations of those rights were still taking place in the occupied territories. It took note with satisfaction of the ruling by the Israeli High Court of Justice, handed down on 6 September 1999, to the effect that the use of "moderate physical pressure" as an interrogation technique was illegal and earnestly hoped that that ruling would be fully complied with. However, it remained concerned at the continuation of the Israeli policy of administrative detention.

50. The European Union continued to oppose Israeli settlement activities in the occupied territories. The construction of new settlements, the expansion of existing ones, the expropriation of land and the construction of bypass roads were all obstacles to peace. The European Union welcomed the creation of a ministerial committee and a subcommittee for East Jerusalem with responsibility for ensuring the effective implementation of the rights of Arabs living in the occupied territories, including East Jerusalem. However, no decision on a moratorium on house demolitions had been taken by the Government. Notwithstanding the decision of the Israeli Government to ease the conditions under which Palestinians in Jerusalem were authorized to keep their identity cards, in practice confiscation of that document seemed to

be continuing in accordance with earlier procedures. The European Union was also preoccupied by the discriminatory application of certain laws, such as the "Entry into Israel Law", and the unequal fashion in which those laws were applied by the Israeli administration and courts.

51. The European Union considered the opening of the route between Erez and the town of Tarkumya to be a positive step, as it gave greater freedom of movement to the Palestinian people as provided for in the Oslo Accords. However, the European Union deplored the fact that no similar agreement had been reached on the opening of the northern route; that Palestinians could not travel freely between Jerusalem and the West Bank of the Jordan; and that Palestinians wishing to travel abroad had to obtain permits from the Israeli authorities.

52. The European Union was concerned at the regular violations of human rights occurring in the prison of Khiam, in the southern part of Lebanon occupied by Israeli forces. Some 140 Lebanese citizens were being held in detention there without trial, some of them had been there for more than 10 years. The European Union strongly urged the Israeli Government to close that prison and to release all the prisoners currently detained in Khiam.

53. In view of the close links between peace and economic development, the European Union was convinced that a healthy Palestinian economy could not but have beneficial effects. In that connection it welcomed the agreement on the port of Gaza.

54. The European Union remained concerned at the regular violations of human rights by the Palestinian authority, and particularly by the widespread use of torture and the large numbers of prisoners held without charges, including political prisoners. In addition, the State Security Court was continuing to try cases which had no connection with national security, such as tax evasion. Although there had been no executions since the previous session of the Commission, the European Union deplored the fact that death sentences were still being handed down by Palestinian courts and strongly invited the Palestinian Authority to restore the de facto moratorium on executions which expired in 1998.

55. The European Union welcomed the appointment of an attorney-general and hoped that the draft bill on the judiciary authority would soon be ratified and that a supreme judicial council would be established, thus enhancing the independence and effectiveness of the judiciary of the Palestinian Authority.

56. The European Union was firmly committed to assisting the Palestinian Authority in strengthening the public institutions in the territories under its jurisdiction on a basis of respect for human rights and fundamental freedoms, good governance, the rule of law and transparency. It also welcomed the prospects for an early entry into force of the Basic Law.

57. At the meeting of the Ad Hoc Liaison Committee in Tokyo on 15 October 1999 the European Union had confirmed its intention to maintain its financial assistance at the same level as in earlier years. The Committee also approved a Tripartite Action Plan listing the obligations which donors, Israelis and Palestinians had undertaken to comply with in order to ensure that international aid attained its goal of improving the living conditions of the Palestinian people in the West Bank and the Gaza Strip.

58. The European Union would continue its efforts to improve the human rights situation in the region and to arrive at a lasting peace in the Middle East. In that connection it emphasized the need to protect the rights of the inhabitants of southern Lebanon and the Golan Heights and hoped that Israel and Syria would reach agreement concerning those territories.

59. The European Union thanked the Special Rapporteur for the extremely comprehensive report he had submitted to the Commission. It considered that the mandate of the Special Rapporteur should be brought more into line with the other special mechanisms created by the Commission on Human Rights, particularly with regard to periodic renewal by the Commission. However, it wished to emphasize that, although the mandate of the Special Rapporteur required amendment, it was in Israel's interest to cooperate with him fully and unconditionally. It strongly urged both parties to comply with the recommendations of the Special Rapporteur.

60. Mr. DAI Yuzhong (China) observed that the peace process in the Middle East was currently deadlocked, probably because the negotiations had reached the stage where the issues related to the fundamental interests of the two parties. If the peace negotiations were to progress, both parties should have a vision of the future based on the relevant United Nations resolutions and the principle of "land for peace". The Chinese delegation was convinced that once the parties opted for peace a final solution to the Middle East problem could be found. The international community should show confidence and patience.

61. The tragic experience of the Palestinian peoples, who had been displaced and deprived of their homeland, amply illustrated the importance of the existence of a sovereign State, which was the premise for the enjoyment by the people concerned of their fundamental human rights. Over the years the international community, and particularly the Commission on Human Rights, had actively supported the restoration to the Palestinian people of their legitimate rights and national interests. It should continue to follow that course. The Chinese Government, for its part, had always supported the just cause of the Palestinian people and, as a permanent member of the United Nations Security Council, had always actively promoted the peace process in the Middle East. China had also pursued the object of peace in the course of its bilateral exchanges with the Arab and Israeli sides. It was determined to continue its efforts to reach a comprehensive, fair and lasting settlement of the Middle East question.

62. Mr. ALFONSO MARTINEZ (Cuba) vigorously protested against the fact that a document so essential as the report of the Special Rapporteur, Mr. Giacomelli, had only become available on the previous day, and then only in English. Events seemed to suggest that attempts were being made to keep the members of the Commission in ignorance of the facts.

63. The Cuban delegation was in some doubt how it could adequately describe, in the 10 minutes available to it, the feeling of horror awakened by reading the documentation communicated to it, and in particular the excellent report by Mr. Giacomelli on his first visit to the West Bank, Gaza and Jerusalem.

64. The Special Rapporteur had described the living conditions of the Palestinian refugees, the number of whom was approaching 1.5 million, and Israeli practices such as collective punishments, and particularly the house demolitions since 1987 which had left tens of thousands of Palestinians homeless. The Special Rapporteur also mentioned the violations of international

law committed by the occupation authorities, and in particular the practice of torture, the breaches of the fundamental rights of prisoners and the discrimination practised by Israel against convicted Palestinians, who were given harsher sentences than Israelis. The situation of the inhabitants of East Jerusalem was particularly intolerable; as stated in paragraph 51 of the report, the law condemned them to the status of mere "visitors" in their own city.

65. In the occupied territories in Lebanon the indiscriminate bombardments launched by Israel, not only in the territories under its control but even in those under the authority of the Lebanese Government, were horrifying. They recalled the massacres which had occurred from time to time in Lebanon throughout its history.

66. In the occupied Golan Heights in Syria the settlement policy pursued by Israel was designed to change the demographic, economic, political and cultural features of the region.

67. All in all, the human rights situation in the Arab territories occupied by Israel, including Palestine, was steadily deteriorating. That situation would only come to an end when Israel ceased to occupy those territories and recognized the inalienable right of the Palestinian people to self-determination and the inalienable right of the Lebanese in the southern part of the country and the Syrians in the occupied Golan Heights to be rejoined to their countries of origin. As in previous years, the Cuban delegation would support the resolution condemning those unacceptable situations.

68. Mr. HYNES (Canada) appealed to Israel and the Palestinians to reach a final agreement by 13 September 2000. The Canadian delegation also hoped that Israel and Syria would shortly return to the negotiating table.

69. The principal concern of the Commission - the advancement of respect for human rights and fundamental freedoms in the area - was an objective in its own right and independent of developments in the peace process. Canada had attempted to contribute to that objective by developing a dialogue on the rights of the individual with the highest Israeli and Palestinian authorities, emphasizing that question in its programme of development cooperation in the occupied territories and maintaining regular contacts with human rights organizations. As Chair of the working group on refugees in the multilateral track of the Middle East peace process, Canada was endeavouring to address the social and economic needs of Palestinian refugees without prejudice to their political rights or their future status.

70. Israeli practices in the occupied territories as described in the report of the Special Rapporteur were contrary to international humanitarian law. In that connection the establishment of settlements was continuing to give rise to grave concern. As regards the treatment of prisoners, the decision of the Israeli Supreme Court concerning torture inflicted during questioning could only be welcomed.

71. Unfortunately, unlike his predecessor, the Special Rapporteur had not mentioned the abuses committed by the Palestinian authority in the field of human rights. For instance, certain individuals who had signed a petition criticizing the Palestinian leaders had been detained for

several weeks without being charged. The Canadian delegation had mentioned that fact because it wished to emphasize the need to adopt a balanced approach to the situation in the occupied territories.

72. It was also important to give the same attention to the occupied Arab territories as to other questions facing the Commission on Human Rights. The mandate of the Special Rapporteur should be subject to annual renewal, and the discussions on the situation in the occupied Arab territories should take place in the context of human rights violations in all parts of the world.

73. A final important requirement was to urge the Palestinian and Israeli authorities to cooperate fully with the Commission and the Rapporteur. If the Commission succeeded in creating conditions favouring such cooperation, it would be contributing constructively to the settlement of the complex problems of respect for human rights in the occupied territories.

74. Mr. ROBBINS (United States of America) observed that, as his delegation had pointed out on many occasions, it was unfair for an agenda item to be devoted to one country, namely Israel. That practice was contrary to the principle of equality of treatment which should govern the proceedings of the Commission. In other words, the item under discussion should form part of item 9, namely the question of the violation of human rights and fundamental freedoms in any part of the world. He therefore urged the Commission to eliminate item 8 altogether from its agenda.

75. The United States also protested at the lack of objectivity in the resolutions directed at Israel. It was almost as if the sponsors of those resolutions were unaware of, or had chosen to ignore, the progress made in the peace process in recent years.

76. The mandate of the Special Rapporteur was discriminatory inasmuch as it did not require renewal by the Commission and as, in addition, it no longer reflected the reality on the ground, since, in accordance with the Oslo Accords, Israel had withdrawn from much of the West Bank and the Gaza Strip, and particularly areas in which Palestinians formed the majority of the population. Finally, the Special Rapporteur raised issues such as refugees, settlements and the status of Jerusalem, which were subjects for the bilateral negotiations on final status which the two parties (Palestinians and Israelis) had entered into and which were at that very moment continuing in Washington. Israel and Syria were negotiating with the objective of reaching a peace agreement, and Israeli forces would have withdrawn from southern Lebanon by July.

77. Ms. DIALLO (Senegal) said that Wye Plantation agreements and the Sharm-el-Sheik Accord had raised hopes of a significant improvement in the human rights situation of the Palestinian people. It had to be recognized that nothing of the kind had occurred. On the contrary, the reports drawn up by the United Nations and non-governmental organizations bore witness to a serious deterioration in the human rights situation in the occupied Arab territories, including Palestine. The violations were many: the expansion of settlements, large-scale expulsions of Palestinians and confiscation of their goods, frequent closures of territories, punitive expeditions against innocent Palestinian families and the practice of torture. Since 1967 some 350,000 settlers had established themselves in the occupied territories in flagrant violation of the Fourth Geneva Convention, and the bypass roads connecting the new settlements with one

another had converted the occupied territories into a mosaic of separate zones which could be sealed off and controlled by force of arms. That situation severely disrupted the day-to-day lives of the people and caused serious prejudice to the Palestinian economy. Furthermore, nearly half of the 7 million Palestinians were living in refugee camps, often under inhuman and degrading conditions.

78. In the occupied Syrian-Arab Golan Heights the Israeli authorities were continuing to confiscate land and to exercise strict control over water supplies. As the United States Secretary of State, Ms. Albright, had pointed out, it was difficult to create a climate for serious negotiation when unilateral measures were being taken.

79. The Senegalese delegation emphasized the imperative need to implement the resolutions adopted by the Commission on the Palestine question, and also those of the General Assembly and the Security Council. It was highly urgent for the parties in the conflict to continue to give precedence to reason and dialogue with the aim in view of reaching a peaceful, just and lasting settlement recognizing the fundamental right of the Palestinian people to self-determination and the creation of their own sovereign State. That settlement should include the reconstruction of the economic and social infrastructure of Palestine, consolidation of the institutions of the future Palestinian State and the integration of the latter in the process of economic development of the region.

80. She made particular reference to the positive contribution of the United Nations institutions and the importance of the role in that context by the community of NGOs, including the Israeli NGOs, which were giving moral and political support to the Palestinian people.

81. Mr. CHOWDHURY (Bangladesh) said that, while there were tragic periods in the history of many peoples, the tragedy for the Palestinians and the other Arabs in the occupied territories seemed to be unending. At the moment, however, there seemed to be a glimmer of hope. Efforts were being made which deserved encouragement; the meeting in Geneva between the American and Syrian Presidents was an example. However, those efforts should be directed towards finding a comprehensive solution to the problem which would take into account the interests of all the parties concerned. All the occupied territories, including the Syrian Golan Heights and southern Lebanon, must be returned. The Palestinians must have a State in what had always been their country with Jerusalem as its capital. The establishment of settlements must cease, and the democratic character of Jerusalem must not be altered.

82. Bangladesh's support for the Palestinian cause was natural, since that support came from a country which had known bondage and now enjoyed rights which others were denied. Although progress was painfully slow, some advance seemed to be taking place in the Middle East. In that connection Bangladesh welcomed the return of 6.1 per cent of the West Bank and had not lost hope of seeing one day the emergence of a new Jerusalem in which Muslims, Jews and Christians could live in peace.

83. Mr. NAESS (Norway) observed that the peace process in the Middle East had entered a critical stage. Final status talks between Israelis and Palestinians had begun. It was to be hoped that the negotiations between Israel and Syria would ultimately lead to a comprehensive agreement. The final goal of that process was the establishment of viable and democratic civil

societies living side by side in peace and security. Economic and social development in the Middle East was closely linked to the peace process. However, the lack of progress in that area was having direct effects on the human rights situation. Failure to implement peace agreements and violations of human rights often went hand in hand. The building of new settlements, recourse to torture, administrative detention, lack of respect for democratic institutions, terrorism and border closures were all obstacles on the road to peace.

84. Norway wished to emphasize that Israel had a duty to respect international human rights instruments and humanitarian law in the territories occupied by it since June 1967, and particularly, as reaffirmed by the United Nations Security Council and General Assembly, the Fourth Geneva Convention.

85. Norway had often raised the subject of human rights with the Palestinian authority during bilateral discussions. Although economic and social conditions in the zones under the control of the Palestinian authority were difficult, that authority nevertheless had responsibility for improving the human rights situation in those zones.

86. Finally, Norway welcomed the extremely comprehensive report submitted by Mr. Giacomelli and had taken note of the remarks made concerning his mandate. In conclusion, Norway urged the parties to make every effort to safeguard the letter and the spirit of the Oslo Accords and to intensify direct dialogue and cooperation.

87. Mr. SHAPOSHNIKOV (Russian Federation) said that his country, which was a co-sponsor of the peace process on the basis of the Madrid principles and United Nations Security Council resolutions 242 and 338, intended to contribute actively to the continuance of negotiations and the achievement of Arab-Israeli agreements with the aim in view of arriving at an equitable and lasting peace in the Middle East.

88. Russia supported all the national rights of the Palestinian people, in particular its right to self-determination, and considered that the appearance of an independent Palestinian State on the political map of the world was an absolute precondition for stability and security in the region.

89. Unfortunately it had to be recognized that the situation of the Palestinian people as a whole was still complex. In that connection the conclusions of the Special Rapporteur could not but give rise to concern. Russia considered that cooperation by Israel with the international mechanisms for the defence of human rights, and in particular with the Special Rapporteur, would be a positive element favouring a peaceful settlement.

90. Moreover, certain positive trends in the social and economic situation of the Palestinian population of the West Bank and Gaza could not be ignored. A strengthening of those trends depended on progress in the peace negotiations and was also a function of the freedom of movement of the active population, goods and capital and the continuance of international aid to the Palestinians.

91. Clearly, direct negotiations between Israel and Syria on the subject of the Golan Heights and between Israel and Lebanon on that of southern Lebanon offered the only means of settling

the problems satisfactorily. Russia was in favour of the full restitution of the Golan Heights and the territorial integrity of Lebanon in accordance with United Nations Security Council resolution 425.

92. In addition to the problem of the Palestinian refugees, attention also needed to be given to other questions, such as the status of Jerusalem.

93. The peace process instituted at the multilateral level could not fail to give further impetus to bilateral negotiations. The meeting of the support group for bilateral negotiations, held in Moscow on 1 February 2000, had been of importance in that context; at that meeting the decision to convene full-scale working groups had been taken. Russia hoped that that would lead to positive measures.

94. Ms. JANJUA (Pakistan) said that the signature of the Declaration of Principles between the PLO and Israel had awakened hopes that a just and equitable solution to the Palestinian question would be found and that the violations of human rights in the Arab territories occupied by Israel would soon cease. Those hopes had been dashed by Israel's refusal to respect the commitments it had entered into under the peace agreements. The current efforts at peace represented a "hopeful sign", but the will to achieve peace had been negated by recent military operations in Southern Lebanon. The Pakistani Government hoped that Israel would implement its decision to withdraw from the Lebanese territory occupied by it and that an agreement on the Golan Heights would soon be concluded between Syria and Israel.

95. The Fourth Geneva Convention specifically prohibited occupying forces from inflicting collective punishments, expropriating private or public property, expelling inhabitants, installing settlers and amending the legislation already applicable in the territory. In that connection Pakistan was disappointed that the Conference of the High Contracting Parties to the Fourth Geneva Convention, held in July 1999, had been without result.

96. In his report (E/CN.4/2000/25) the Special Rapporteur confirmed that the occupying Power was systematically breaching the provisions of international law in the occupied Arab territories. Examples included the confiscation of Palestinian lands, the destruction of agricultural infrastructures, illegal expulsions, house demolitions and the establishment of new settlements. The privations suffered by the Palestinians in the occupied territories were further aggravated by discrimination in matters of employment and restrictions on access to water supplies and to markets.

97. In addition, Israel had taken steps to change the democratic composition of the Holy City of Al-Quds (Jerusalem) by establishing new settlements and evicting Palestinians, who were currently being treated as foreigners in their own city.

98. Pakistan was convinced that a speedy withdrawal by Israel from the occupied territories and the exercise of their right to self-determination by the Palestinians would facilitate a just and equitable settlement of the Palestinian question and pave the way for a lasting peace in the Middle East. Lastly, the international community should help the Palestinian authority to overcome the economic difficulties facing it.

99. Mr. MAJDI (Morocco) saw an encouraging sign in the fact that, notwithstanding the delays in the implementation of the Sharm-el-Sheik Accords - for instance, Israel should have returned three agglomerations in the neighbourhood of Jerusalem by 20 January 2000 - the two parties had resumed negotiations and Israel had withdrawn from 6.1 per cent of Cisjordanian territory.

100. Unfortunately, Israel was continuing, in violation of the Oslo Accords, to change the demographic composition of the Holy City, to confiscate lands, to establish new settlements and to destroy Palestinian homes. Between 1987 and 1999 at least 2,650 Palestinian houses had been destroyed by Israel. Amnesty International had emphasized the inhuman nature of those demolitions.

101. Morocco persisted in the hope that the current Israeli Government would adopt a new approach in its relations with the Palestinian side in order to ensure the success of the final status negotiations and to find a solution of a nature to restore confidence and establish a basis for the security and stability to which the peoples of the region aspired.

102. One condition for the achievement of a just and comprehensive peace in the Middle East was the settlement of the question of the Golan Heights on the basis of the relevant resolutions of the General Assembly and the Security Council and the withdrawal of Israeli troops from southern Lebanon. The announcement by Israel that it would withdraw its troops stationed in southern Lebanon by July 2000 was in line with the expectations of the international community, and its concrete implementation would be followed with great interest and attention.

103. In one of his recent speeches His Majesty King Mohammed VI appealed for the long-awaited reconciliation between Muslims and Jews and described Jerusalem as a point of convergence, dialogue and coexistence where everyone should find his place and his rights. He also recalled the commitment of Morocco to the achievements of a just and lasting peace which would not be merely a peace between States and governments but one which would also flourish itself in hearts and minds.

104. Mr. JABER (Qatar) said that the Government of Qatar vigorously protested against the continuous violations of human rights being committed by the Israeli occupation forces in occupied Arab territories - house demolitions, forcible evacuation of entire villages, damage to the environment, collective punishments, confiscation of lands, transfers of population and closure of territories.

105. The Israeli Government was treating with contempt all the international instruments and the numerous resolutions adopted by the General Assembly, the Security Council and the Commission on Human Rights. The withdrawal of Israel from all the occupied territories, and in particular the Golan Heights and southern Lebanon, respect for human rights and the implementation of all the resolutions adopted by the international community were prerequisites for peace in the region.

106. Mr. CHATTY (Tunisia) said that Israeli forces were continuing systematically to violate human rights in the occupied Arab territories, that had been demonstrated by the Special Rapporteur in his report (E/CN.4/2000/25) and by the Special Committee to Investigate Israeli

Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The establishment of new settlements, confiscations of lands, arbitrary arrests without charge or trial, the closure of villages and house demolitions were still day-to-day occurrences. In addition, the general security service systematically resorted to torture when questioning Palestinians suspected of having endangered Israel's security.

107. If a just and lasting peace was to be established in the region, Israel must give up those practices and respect its international obligations and the commitments it had entered into in the course of the peace process, and in particular the principle of land for peace.

108. The Tunisian delegation hoped that Israel would implement in good faith the provisions of the Sharm-el-Sheik Accord and that agreement could be concluded on final status and on the right of the Palestinians to establish for themselves an independent State with its capital in Jerusalem, the restitution of the Golan Heights to Syria and the return of all the refugees.

109. Mr. NUSHIRWAN (Observer for Malaysia) said that Malaysia was still gravely concerned at the appalling human rights situation in Palestine and the Arab territories occupied by Israel. In that connection the Malaysian delegation regretted that Mr. Giacomelli's report on the human rights situation in the occupied Palestinian territories (E/CN.4/2000/25) had been distributed so late. The Special Rapporteur and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had both deplored the refusal of the Israeli Government to cooperate, and also denounced the continuation of large-scale and systematic violations by Israel, not only of the civil and political rights of the population in the occupied territories, but also of their economic, social and cultural rights.

110. It had been argued in some circles that the situation on the ground could not improve until all the parties had reached an agreement. They were thus implying that no such change could take place unless the occupying Power was prepared to accept it and that the discussions in the Commission were not only prejudging the outcome of the peace talks but actually jeopardizing them. Malaysia considered that line of argument fallacious, firstly, because a number of the rights violated by Israel - and in particular the right to life and the right not to be subjected to torture - were matters of jus cogens and were thus not subject to the whim of an occupying force with no legal or moral legitimacy, and secondly, because the entire edifice of the United Nations human rights system rested on its power of moral sanction and could not be disregarded or flouted by a single State.

111. Malaysia therefore urged the occupying Power to put an end to its large-scale and systematic violations of the rights of the Palestinians and the population of the occupied Arab territories and respect the spirit and the letter of the international instruments it had ratified.

112. Mr. MARAFI (Observer for Kuwait) said that Kuwait demanded that the Israeli occupation authorities cease to commit large-scale and systematic violations of international humanitarian law, and particularly of the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war.

113. Efforts must be redoubled to move forward on the road to peace in the Middle East. That peace should be based mainly on Security Council resolutions 242 and 338 and the commitments entered into at the Madrid Conference, especially the principle of "land for peace". That implied the withdrawal of Israel from all the occupied Arab territories, including the Holy City of Jerusalem, the Golan Heights, southern Lebanon and the western part of the Valley of the Bekaa, in accordance with Security Council resolution No. 425.

114. A comprehensive, just and lasting peace would be possible only if the Palestinian people could exercise its right to self-determination and create an independent State on its national territory. Kuwait earnestly wished for the opening of a new era of peaceful coexistence.

115. Mr. PELEG (Observer for Israel) stated that Israeli and Palestinian negotiators were currently meeting in Washington to negotiate a framework agreement which should be concluded by May 2000 and to conclude a permanent status agreement by 13 September 2000 in accordance with the Sharm-el-Sheik Accord. At the beginning of March 2000 Israel had handed over to the Palestinians 6.1 per cent of the West Bank. Thus 99 per cent of the Palestinians in the West Bank the Gaza Strip were living under the administration of the Palestinian authority; only 55,000 Palestinians were living under Israeli administration.

116. Unfortunately, during the discussions in the Commission on Human Rights, no mention had been made either of that progress or of the mandate of the Special Rapporteur, which was not limited in time and made no provision for the examination of the human rights situation in the territories administered by the Palestinian Authority, where 99 per cent of the Palestinians lived.

117. He did not proposed to examine, as he had in the previous year, the violations of human rights committed by the Palestinian Authority, which the Special Rapporteur had not seen fit to study. He preferred to described the measures which had been taken in recent months to try to establish a climate favourable to cooperation with the Special Rapporteur. Unfortunately, those efforts had proved vain on account of the partiality and the political positions adopted by the Special Rapporteur, who addressed many political issues which were extraneous to his mandate and were currently the subject of negotiations between Israelis and Palestinians. In that way the Special Rapporteur was trying to influence the outcome of those negotiations. In fact, his report was no more than a set of unfounded allegations presented without question or criticism.

118. In a letter dated 28 January 1999 addressed to the previous Special Rapporteur, Mr. Hannu Halinen, Mr. Peleg had stated Israel's two objections to the mandate of the Special Rapporteur, namely that it was not limited in time and that it took no account of the fact that there were two sides to the conflict in the Middle East. In his report to the fifty-fourth session of the Commission (E/CN.4/1998/17) Mr. Halinen had himself recognized that "the mandate of the Special Rapporteur, as it stands, is exceptional. It puts Israel in a different position compared to other countries subjected to the scrutiny of a special rapporteur. The mandate prejudices the outcome of the investigation" (paragraph 72); and he added: "It has been the consistent view of the Special Rapporteur that the mandate has to be reviewed." (paragraph 73).

119. On 12 January 2000 the speaker had met the present Special Rapporteur, Mr. Giacomelli, in Geneva and had reminded him of the position of the Israeli Government with regard to the mandate of the Special Rapporteur. However, the latter, in his report (E/CN.4/2000/25), did not propose any change in his mandate.

120. Israel wished to state clearly that it would cooperate with a rapporteur provided that his mandate was in line with those of other rapporteurs and covered both the territories administered by Israel and those administered by the Palestinian Authority. In that connection Israel welcomed the statements made on the subject by the European Union, the United States of America and Canada.

121. Israel was deeply committed to human rights and intended to make the State of Israel a model of democracy. However, the Government had to maintain a balance between security and human rights. It had to point out in that connection that the Special Rapporteur had misinterpreted the ruling of the Israeli Supreme Court regarding methods of interrogation. Generally speaking, the report of the Special Rapporteur clearly demonstrated that the United Nations attached little importance to the peace process.

122. A number of reliable sources (United States, European Union, Amnesty International, Human Rights Watch, Palestinian human rights organizations) had documented violations of human rights committed by the Palestinian Authority (torture of prisoners, arbitrary arrests and detention, failure to respect the rights of the defence and restrictions on freedom of expression, of assembly and of association).

123. Human rights were an important element in the peace process. Consequently, to be constructive, the supervision of those rights should apply to both sides. Otherwise the resolutions of the Commission and the reports of the rapporteurs would continue to be subject to political motivations targeting Israel and would render no service to the cause of human rights.

The meeting rose at 6 p.m.



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Fifty-sixth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 March 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. RODRÍGUEZ CEDEÑO (Venezuela)
(Vice-Chairman)

later: Mr. IBRAHIM (Sudan)
(Vice-Chairman)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.00-15146 (E)

The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued)
(E/CN.4/2000/22 and Add.1, 23-25 and 136; E/CN.4/2000/NGO/5, 12, 43, 55 and 71)

1. Mr. HASSAÏNE (Observer for Algeria) said that, particularly in view of the high quality of the Special Rapporteur's report on the situation of human rights in the occupied Palestinian territories (E/CN.4/2000/25), its late appearance and in a single language only was to be regretted. The report shed an instructive light on the persistence of Israeli violations, including the denial of the right of return to Palestinian refugees, population transfers and the continuing expansion of Israeli settlements whose aim was to change the demographic, cultural and historical character of the territories.
2. Among the many other violations of human rights in the occupied territories reported by the Special Rapporteur, were the demolition of residential property and the forced acquisition of land - measures which had affected the lives of 16,700 Palestinians. Torture continued to be used in the interrogation of Palestinians; the freedom of movement of workers was severely limited, as was their access to education and medical care - a situation which also affected southern Lebanon and the Syrian Golan.
3. The continuation of such abuses was a serious obstacle to progress towards peace in the Middle East. The land-for-peace process could hope to succeed only through the creation of an atmosphere of mutual confidence based on respect for human rights.
4. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, in spite of repeated condemnation in the reports of the United Nations and other international organizations, Israeli violations of human rights in the occupied Palestinian and other Arab territories, including the expansion of Jewish settlements, the demolition of Arab dwellings, arbitrary detention, limitation of freedom of movement, torture of detainees, the forced evacuation of Palestinians, the desecration of Islamic holy places and the exclusion of Arabs from participation in economic and social life had persisted.
5. The establishment of more than 15 new settlements in Al-Quds al-Sharif (Jerusalem) was of particular concern as a threat to the demographic composition and status of the holy city. He appealed to the international community to bring pressure to bear on Israel to end the occupation and restore the legitimate rights of Palestinian people, including the return of refugees and displaced persons to their homeland, and the full and free exercise of their right to self-determination, including the establishment of a Palestinian State comprising the whole of the occupied territory.
6. Mr. Rodríguez Cedeño (Venezuela), Vice-Chairman, took the Chair.
7. Mr. LOUFTY (Observer for Egypt) said that the Israeli policy of colonizing the occupied Arab territories was in flagrant violation of the obligations imposed on occupying Powers by article 49 of the Fourth Geneva Convention of 1949. Not only did it constitute an onslaught on the material basis for the exercise of Palestinian rights, it was accompanied by such practices as

torture, and other forms of inhuman treatment, which had attracted the condemnation of both governmental and non-governmental international bodies, as instanced by the reports of the Arab League and the Special Rapporteur.

8. In such an atmosphere, it was difficult to conceive of real progress being achieved in the peace negotiations. The Israeli Government must assume its responsibilities, respect its international commitments, and lay the foundations for progress towards the lasting peace in the Middle East that had long been the object of Egyptian diplomacy.

9. Mr. OULD TIJANI (Observer for Mauritania) said that the violation of human rights in occupied Arab territories, including Palestine, had assumed particular importance because of the relaunching of the peace process. Only tangible progress in the negotiations, accompanied by positive progress on the ground, could ensure the achievement of a just, total and lasting peace, which must include the restoration to the Palestinian people of its legitimate rights, and the evacuation of the Syrian Golan and southern Lebanon. The conditions for such a peace had been clearly laid down in Madrid, and by Security Council resolutions 242, 338 and 425.

10. Mr. AL-ATTAR (Observer for Yemen) said that the peace process was being seriously impeded by Israel's continuing failure to honour the commitments it had already entered into, and its policy of manoeuvre and procrastination in negotiations. Meanwhile, Israeli violations of human rights in the occupied territories continued, as did its territorial expansionism through the implantation of Jewish settlements and the occupation of East Jerusalem.

11. He appealed to the Commission and its member States to bring pressure to bear on the Israeli Government: to comply with the numerous relevant United Nations resolutions; to withdraw from the Syrian Golan and southern Lebanon; and to restore their rights to the Palestinian people, including the right to create their own State with Jerusalem as its capital. Only if those objectives were achieved would it be possible to establish a just and lasting peace in the area.

12. His delegation wished to pay tribute to the Special Rapporteur for his report on the situation of human rights in the Palestinian territories.

13. Mr. AL-FARARGI (League of Arab States) said that the reports of the Special Committee (A/54/73 and Add.1) and the Special Rapporteur (E/CN.4/2000/25) confirmed the further deterioration in the human rights situation in Palestinian and other Arab territories occupied by Israel. The reported violations included murder, arbitrary detention, the imprisonment of women and children, and the use of torture during interrogations. At the community level, violations took the form of the confiscation of territory, the implantation of Israeli settlements, and the isolation of entire regions, resulting in the loss of contacts between communities, and restriction of freedom of movement.

14. Those were some of the consequences of the Israeli occupation of Arab territories that had persisted for over 30 years in defiance of repeated United Nations resolutions, including those of the Security Council, and in breach of the Fourth Geneva Convention. Those crimes

and violations could be brought to an end only by the termination of the occupation itself, particularly of the Syrian Golan and southern Lebanon, and by the restoration of the rights of the Palestinian people.

15. Mr. HAFIANA (Observer for the Libyan Arab Jamahiriya) said that the Special Rapporteur should be congratulated on his transparent and objective report. It was clear that the Palestinian people were being denied the right to self-determination. A considerable percentage of their territory had been confiscated by the occupying authorities for industrial and military purposes and for the implantation of settlements. Israel had rendered 16,700 people homeless, denied the Palestinian refugees the right of return, and diverted the waters of the occupied territories for the use of Jewish settlers. An attempt was also being made to obliterate the cultural and religious identity of the Palestinian people by the implantation of settlements, in contravention of the obligations and commitments entered into by the Israeli Government.

16. Yet, when international pressure was applied it was on the Palestinian negotiators instead of their aggressors. If international law were rigorously followed, Israel would be excluded from the international community because of its violations of the United Nations Charter, but, by a flagrant application of double standards, sanctions had been imposed on his country and on Iraq while an aggressive nation, acting in clear violation of international accords and resolutions, remained exempt.

17. Mr. MADI (Observer for Jordan) said that his Government had made a sustained effort to promote the peace process in the Middle East, in the belief that a real opportunity had presented itself that must be seized, particularly in Israeli negotiations with Syria and Lebanon. The regrettable failure on the part of the Israeli authorities to cooperate with the Special Rapporteur in his inquiries was an illustration of the atmosphere of mutual distrust which impeded the search for a just and comprehensive peace. As long as Israel continued to build settlements in the occupied territories and to resort to delaying tactics in negotiations, the peace process would inevitably be impeded.

18. Jordan did not admit the legality of legislative and administrative measures adopted by the occupying authorities in Palestine, was opposed to the imposition of collective punishment and the seizure of land for economic purposes, and deplored the transfer of populations and the destruction of Arab housing. His delegation called on the Israeli Government to abide by the principles of the Charter, the Universal Declaration of Human Rights, the Fourth Geneva Convention, and the numerous resolutions adopted by international bodies on the Middle East situation. Only in that way could a foundation be laid for a peaceful, lasting and comprehensive solution.

19. Ms. DESA (Amnesty International) said that her organization welcomed the September 1999 ruling by the Israeli High Court that some of the interrogation methods previously used by the General Security Service (GSS) in Israel and the occupied territories, including the use of "physical pressure", had been unlawful. However, although the systematic use of such techniques had subsequently ceased, cases of torture and of ill-treatment of detainees continued to be reported.

20. Her organization was also concerned that the High Court's ruling permitted the continued use of banned techniques in "exceptional circumstances", since the Convention against Torture clearly stated that "no exceptional circumstances whatsoever ... may be invoked as a justification for torture". Her organization was also concerned to note that a private member's bill, introduced into the Knesset in October 1999, to allow the special use of "physical force" had received the support of more than 40 of the Knesset's 120 members.

21. Furthermore, responsibility for the continuing widespread torture of Lebanese nationals at Khiam Detention Centre could not be shifted on to the South Lebanon Army by Israel, which was the occupying Power in the terms of international humanitarian law.

22. Her organization called on the Israeli Government to implement its obligations under the Convention against Torture, to oppose the private member's bill, and to introduce immediately into the Knesset legislation fully incorporating the provisions of the Convention, as recommended by the Committee against Torture in 1994, 1997 and 1998.

23. Mr. AL-SOURANI (Arab Lawyers Union), speaking also on behalf of the Arab Organization for Human Rights, the Cairo Institute for Human Rights Studies, the International Federation of Human Rights Leagues, North-South XXI, and the World Federation of Democratic Youth, said that the Conference convened on 15 July 1999 by the High Contracting Parties to the Fourth Geneva Convention, as recommended by General Assembly resolution ES-10/6 of 9 February 1999, to investigate measures to enforce the Convention in the occupied Palestinian territories had led to no concrete result. The decision by the Parties to adjourn the Conference indefinitely in order to allow the new Israeli Government "to get the peace process back on track" had proved to be without basis.

24. Israeli settlement activities in the occupied Palestinian territories had in fact escalated under the Barak Government. The notable increase in settlement activity in the Gaza Strip was particularly alarming, since that area was not considered strategic from the Israeli point of view. The feint of dismantling settlement outposts in the West Bank had been merely designed to mislead international public opinion: in fact, the outposts had not been dismantled and many had been retrospectively added to the list of those recognized by the Israeli Government.

25. The Israeli attempt to make a distinction between "legal" and "illegal" settlements was also without foundation. Similarly misleading was the announcement that the Government would freeze all new construction since it was clearly stated that building in progress would not be stopped.

26. Among other evidence of the promotion of new settlement were the figures released on 20 February 2000 by the Council for Jewish Settlement, indicating that they had grown by 12.5 per cent in 1999, as compared with 9 per cent in the years 1993 to 1997 and 7.5 per cent in 1998, the last year of the Netanyahu Government. Moreover, such settlement statistics failed to reflect the scale of land expropriation, including in the comparatively lightly settled area of the Gaza Strip, and in the West Bank. The Palestinian Centre for Human Rights had also documented numerous provocative practices against Palestinians and their property.

27. In Jerusalem and the surrounding areas, where high priority was given to expanding Israeli settlement, the Israeli Government had continued to withdraw identity cards from Palestinian civilians, denying them, despite claims of a change of policy, the right to reside in the city. It was, therefore, imperative for the international community, and particularly the High Contracting Parties to the Fourth Geneva Convention to refuse to recognize such illegal annexations and settlements, and for the Parties to reconvene their Conference and agree on measures to enforce the Convention.

28. In defiance of international guarantees of the right to freedom of movement, and in violation of the Israeli-Palestinian Interim Agreements on the West Bank and the Gaza Strip signed in Washington in September 1995, Israel had pursued a persistent policy of closure of all entrance and exits to the occupied territories, and had imposed restrictions on commercial transactions and external trade. The situation had not been relieved either by the long-delayed opening of "a safe passage" between the Gaza Strip and the West Bank in October 1999. An analysis by the Palestinian Centre for Human Rights had concluded that both the Protocol governing the use of the passage and the practices followed by the Israeli occupation forces had resulted in the closure of the passage whenever it suited Israeli convenience. Another result of the denial of freedom of movement had been to prevent inhabitants of the Gaza Strip from seeking medical treatment outside the area necessitated by the lack of local facilities as a result of Israeli neglect.

29. With regard to arrest and detention, there were more than 1,500 Palestinian and Arab prisoners in Israeli jails, and arrests continued to be made. Under the Barak Government, strict measures had been introduced against juvenile detainees, and over 80 Palestinian children under 13 years of age were currently in detention. Palestinians were also being detained in Israeli territory in contravention of the Fourth Geneva Convention and, in many cases, family visits were not permitted and lawyers were prevented from visiting their clients.

30. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that the Israeli slogan "a land without people for people without a land" enshrined the incredibly arrogant implication that Palestine, although in fact occupied for thousands of years, had no inhabitants worthy to be regarded as fully human, and that it was legitimate for Jews from all over the world to exercise a "divine right" and take up residence in a supposedly uninhabited land. Such an arrogantly racist ideology was far more barbarous than that of the Austrian Freedom Party against which there had been such an outcry. Nor were such attitudes things of the past. The reputedly liberal Mr. Shimon Peres had recently stated that Israel was the focal point of light in a Middle-East environment of backwardness and squalor, and the Israeli Minister for Foreign Affairs had proclaimed that Israeli forces would spare nothing and no one in Lebanon in retaliation for the death of some Israeli soldiers.

31. Her organization believed that there were many Jews that did not agree with such racist attitudes, and it deplored the persisting support by the United States of America of a country espousing racism and equipped with nuclear weapons and destructive biological and chemical missiles. She urged the Commission and the international community in general as resolutely as it had rejected Nazism in the past, to reject the emergence of a new form of racism that contemplated the creation of a Greater Israel stretching from the Nile to the Euphrates.

32. The common hope of all people, whether Jewish, Christian or Muslim, who wished to live in peace and cooperation with their neighbours, should be to see the establishment of a secular State in Palestine which could be the basis of peace, cooperation and prosperity in the Middle East.

33. Mr. VIDYASEKERA (Afro-Asian People's Solidarity Organization) said that it was imperative for non-governmental organizations (NGOs) from all areas to cooperate in focusing attention on the human rights situation in the occupied Arab territories, including Palestine, and to avoid the tendency to focus excessively on political and civil rights at the expense of economic and social rights. The human rights situation in the occupied territories, far from improving, had in fact deteriorated, as was illustrated by the Israeli bombing of civilian infrastructures such as the power installations in Lebanon. Some of the responsibility for Israel's persistent prevention of the return of refugees, in defiance of international agreements and United Nations resolutions, must be laid at the door of the great Powers of the West.

34. There was a more urgent need than ever for the Commission to bring pressure to bear upon the Israeli Government to implement all Security Council resolutions, including those relating to the withdrawal of its forces from occupied territories, the right of return of Palestinian refugees, and the cessation of all measures taken by Israel to alter the physical, demographic, and institutional character and structure of the occupied territories.

35. Ms. PROUVEZ (International Commission of Jurists) said that her organization had dispatched a mission to investigate the situation in the occupied territories in January of the current year. One of the strongest impressions received had been of the effect on daily life in the West Bank and the Gaza Strip of the closure of the territories by the Israeli authorities, which had severely restricted the freedom of movement of Palestinians. The mission had also been struck by the scale of the continuing expansion of Israeli settlements, particularly in and around East Jerusalem and in the Gaza Strip, and the forced eviction of Palestinians. Such illegal settlements posed a serious obstacle to the achieving of a meaningful peace.

36. Alleviation of the situation of Palestinian refugees deserved very high priority. In a camp in the Gaza Strip visited by the mission conditions remained appalling, in spite of the efforts of the international community and of the refugees themselves. The comparison between their wretched living conditions and the comfort of the Israeli settlers underlined the injustice of the situation.

37. Another matter for grave concern was the evidence of Israeli discrimination in the administration of justice. While welcoming the September 1999 ruling of the Israeli High Court of Justice, her organization was shocked that the Israeli legislators should have continued to admit the use of physical means of pressure.

38. The mission's impression of the administration of justice under the Palestinian legal system in the autonomous areas was one of deep disappointment. Of particular concern was the establishment and expansion of the jurisdiction of the State Security Courts, which often conducted trials in the middle of the night without regard for the right to defence and passed

sentences which included the death penalty. It was entirely inappropriate that civilians should be tried before military courts, and her organization was convinced that such courts should be abolished immediately.

39. The mission's visit to a number of prisons under Palestinian administration revealed that many of the detainees had never been found guilty of any crime by a civil court, or even been tried by any court at all. One cause of the entirely unsatisfactory situation was a lack of trained administrators and of any system for the legal protection of human rights. Her organization thus welcomed the provision of ethical assistance in the administration of justice by the Office of the High Commissioner for Human Rights (OHCHR), but even more depended on the political will of the Palestinian authorities, including the will to resist external pressure, the application of which was not only illegal but also short-sighted. Respect for human dignity was the best guarantee of a lasting peace.

40. Mr. AL-ZULOOF (Defence for Children International) said that the Palestine section of his organization wished to draw attention to the continuing violation of the rights of Palestinian children by the Israeli occupation authorities. Although Israel was a party to the Convention on the Rights of the Child, its defence forces and settlers had, during the preceding year, been responsible for the deaths of 4 children and injuries to 102 others, and for the invasion of schools and houses, the destruction of property and physical assaults. In spite of article 37 of the Convention, Palestinian children had been arrested, often in groups, imprisoned, and subjected to physical and psychological torture, with profound effects on their development, including educational difficulties, unemployment and post-traumatic stress disorders.

41. Among the physical hazards to which they were exposed were landmines and unexploded ordnance left behind by the Israeli army after military exercises. Children constituted 53 per cent of the Palestinian community in the West Bank and Gaza Strip and, if there was to be any real prospect of achieving a negotiated peace, it was essential that the environment of terror in which they lived should be removed and their human rights respected. It was significant that, although Israeli had signed and ratified the Convention, it had not only failed to respect its provisions but had even failed to submit a report on its implementation to the Committee on the Rights of the Child.

42. Mr. GIACOMELLI (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967) said that he wished to comment briefly on some controversial points that had been made regarding his report (E/CN.4/2000/25). It had been said that the report was a political one. If that were so, it had certainly not been his intention. He hoped that the criticism was not intended to imply that certain matters should not have been referred to because of their "sensitivity". The role of the Special Rapporteur, as he understood it, was to view situations from the human rights point of view, and, if there appeared to be violations that remained unredressed, to say so.

43. It had also been suggested that the report provided a convenient pretext for bypassing the peace process. That again had not been his intention, but speaking as an independent observer, he should have thought it more appropriate to see his role as being to ensure that the peace process did not bypass human rights.

44. As to the criticism that the report was unbalanced, he could only say that, if that was so, it was possible that a better balance might have been struck if he had been allowed freer access to all possible sources of information. If there had been any misunderstanding between the representative of Israel and himself, it was a matter that he deeply regretted. He had thought that the extensive conversations and other contacts that he had had with that representative had prepared the way for mutual understanding.

45. It had seemed obvious to him that any Special Rapporteur who accepted the Commission's mandate should be expected to respect, not challenge, its terms. If new developments occurred and the situation appeared to have changed, it would be for the Commission to modify the terms of the Special Rapporteur's future mandate. One point of which he was convinced was that the mandate should not be open-ended. Nothing had been further from his intention than that his report should in any way constitute an obstacle to progress towards peace. It should rather be perceived as a signpost on the road to the achievement of a solution, and a reminder of the need to keep human rights constantly in mind when following that road.

46. Mr. Ibrahim (Sudan), Vice-Chairman, took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (*continued*) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130 and 139; E/CN.4/2000/NGO/19, 36, 38, 44, 72-75, 86, 89, 96, 103, 124 and 137; A/54/660, A/54/726-S/2000/59, A/54/727-S/2000/65; S/2000/137)

47. Mr. COPITHORNE (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran), introducing his fifth report (E/CN.4/2000/35), said that he had, on occasion, been criticized for relying too much on anecdotal information, but he had consistently attempted to distinguish between idiosyncratic material and material he judged indicative of trends. Since he had completed his report in December 1999, an election had taken place for the Sixth Majlis with a very high voter turnout. The results held out a prospect of the institutionalization of the reforms still required in certain areas, particularly the vetting of candidates.

48. Confrontation was continuing between the advocates of change, led by the President and his ministers, and apparently with wide support in society, and a certain elite, which, for religious or political reasons, resisted change. Some aspects of that resistance seemed to indicate a Government that, as a whole, was either unwilling or unable to fulfil the commitments made by the executive to the establishment of the rule of law and a civil society, the enjoyment by all Iranians of the rights of citizenship, and full respect for diversity of religion and ethnicity.

49. The areas to which he had attached the highest priority in his report were: consolidation of freedom of expression; overcoming systematic discrimination against women; the pursuit of "rights of citizenship" for all ethnic and religious minorities, including some that were not

recognized; and an overhaul of the legal system in general, and of the judiciary in particular, the need for which was evident in the disregard of some components of a fair trial in certain sensitive cases.

50. It was a matter for concern that official inquiries into several politically charged violent incidents over the past 18 months appeared to be making slow progress. On the other hand movement was taking place in some areas, and he was personally convinced of the sincerity of the commitment on the part of the President and of the executive generally. He believed that the situation was likely to improve significantly, possibly dramatically so, over the coming year.

51. Mr. WAREHAM (International Association against Torture) said that his organization wished to refer to serious violations of human rights in two countries. The first was South Korea, where anyone advocating contact with the North was liable to prosecution under the obsolete National Security and Social Surveillance Laws.

52. The second was the United States of America. There the existence of such documents as the Constitution and the Declaration of Independence made it difficult for many people to believe that racism, slavery and genocide remained part of current practice, and delegations that did know the truth were often constrained by economic realities from proclaiming it. The United States Government's tactic of placing "coloured faces in high places" could not change the fact that racism was at the root of major human rights violations.

53. He cited the cases of James Byrd, the black man dragged to his death behind a truck by three white racists; Tyesha Miller a black teenager killed by Riverside County police while sitting in her car awaiting help to mend a flat tyre; Nathaniel Abraham facing sentence as an adult to life imprisonment for a crime committed when he was 11 years old - the United States and Somalia were the only countries in the world which had not ratified the Convention on the Rights of the Child; and the recent case of Elian González the six-year old Cuban child, who should have been returned immediately to his father.

54. He also cited the recent scandal concerning the Los Angeles Police Department, where 20 officers were under investigation for everything from framing innocent people to shooting people without cause. The police forces throughout the country were out of control and appeared to have been given the green light to do whatever they wished to the "enemy", i.e. coloured people. The prison population in the United States of America was currently greater than 2 million, larger than the entire population of some countries, and more than 50 per cent of those incarcerated were black although blacks represented only 12 per cent of the population.

55. Another glaring example of abuse of rights, the victim being the nation of Puerto Rico, concerned the island of Vieques, which was used as a military training ground for target practice with live ammunition. The United States Government had been obliged to resort to bribery to try to persuade the Puerto Rican people to continue to ignore the violation of their sovereignty.

56. In the light of those violations, and in the interests of transparency and a single standard of human rights enforcement, his organization requested the Commission to appoint a special rapporteur to investigate the continuing and persistent pattern of human rights violations in the United States of America.

57. Mr. DIENSTBIER (Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)), introducing his report (E/CN.4/2000/39), said that he wished to begin by paying tribute to the field officers of the international organizations, who worked in difficult and sometimes dangerous conditions, and were often treated negligently by their organizations, and to their dedicated local staff, who were exposed to even greater danger than foreigners and received much lower salaries. It had been particularly shameful that local staff had been abandoned by international organizations and Governments at the time when the international staff members were evacuated from Kosovo before the bombing campaign by the North Atlantic Treaty Organization (NATO) began.

58. His report indicated that there had been few new developments in Bosnia and Herzegovina and that the problems of return and the fate of returnees remained essentially unchanged, although some small improvements had been brought about by the pressure of the international institutions, in which connection he wished to pay special tribute to the efforts of the new High Representative, Wolfgang Petritsch.

59. There were new hopes for progress in Croatia, where the signing of the Joint Protocol in Banja Luka provided a basis for more substantial change. The visit of the Croatian President to Sarajevo had confirmed the rejection of the late President Tudjman's support for separatist tendencies among the Croats in Bosnia and Herzegovina. In the April elections three quarters of the voters had rejected the former extreme nationalistic and authoritarian policies. He also welcomed the promises given to solve problems of refugees and property rights, and to improve the freedom of the media and to protect journalists. There were grounds for hope that, in the not too distant future, Croatia would succeed in meeting the obligations of the United Nations human rights conventions, and, as a member of the Council of Europe, those of the European Convention on Human Rights.

60. On the other hand, the human rights situation throughout the Federal Republic of Yugoslavia was worse than in the previous year, and there was a growing risk of future humanitarian catastrophes if the international community did not reconsider the existing policies. It was clear that the bombing campaign had merely aggravated existing problems and created new ones not only by destroying the Serbian, Montenegrin and Kosovar economies but also by damaging the economies of the whole Balkan region and of other European countries as well.

61. The missions in Kosovo had not achieved a single real objective - not through the fault of the people in the field, many of whom were dedicated men and women risking their lives - and the outcome had been a Kosovo ethnically cleansed of non-Albanians and ruled by the illegal structures of the Kosovo Liberation Army, where no Albanian judge could imprison an Albanian criminal out of fear for his life and for the safety of his family. If that situation was to be changed, it would be necessary to settle the question of the status of Kosovo.

62. Although every conceivable solution raised formidable problems, his own view was that the only possible solution was for the United Nations and NATO to implement Security Council resolution 1244 (by which Kosovo would remain a part of Yugoslavia) whatever the cost in money and human resources. The States whose representatives had taken the decisions leading to the existing situation would have to share the responsibility for making the requisite positive changes.

63. In order to improve the state of human rights throughout the region, it was necessary to understand that all Balkan problems were closely interconnected. The abolition of all economic sanctions would have a positive effect; it would support democratic forces and create the necessary conditions for overcoming the huge unemployment and poverty problems often linked to discrimination on an ethnic basis.

64. Ms. CEK (Observer for Croatia) said that she welcomed the Special Rapporteur's assessment that Croatia was on the way to becoming a stabilizing factor in the region. Her Government believed that the disparity between the various countries falling within the Special Rapporteur's purview was so great that the decision should be taken at the Commission's current session to remove Croatia from his mandate. She also welcomed his assessment that, if the positive developments continued, his mandate should no later than in the coming year be changed into a process of broad cooperation in educational human rights programmes and other necessary assistance.

65. The newly elected Government of her country had, on several occasions, affirmed its intention to fulfil its internal and international obligations in the field of human rights and had already initiated a campaign to abolish a number of discriminatory legal provisions relating to property, minority rights and the media. The Government had also, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), submitted a project for the repatriation of 16,500 Croatian Serbs from neighbouring Bosnia and Herzegovina and the Federal Republic of Yugoslavia, which she hoped the international community would support financially and in other ways.

66. Over the past eight years, Croatia had been subjected to many forms of human rights monitoring during which it had been consistently open and cooperative. Following upon the change of government, her delegation believed that the time had come for the Commission to reconsider its position and not automatically renew the inclusion of Croatia under agenda item 9, which was applicable to situations revealing a consistent pattern of gross human rights violations which was by no means applicable to its case.

67. Ms. MARSAC (Amnesty International) said that, in spite of the Sierra Leone peace agreement signed in July 1999, former rebel forces of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) had continued to kill, mutilate, rape and abduct civilians. Her organization was concerned that the peace agreement provided for an amnesty offering complete impunity for the gross human rights abuses suffered by thousands of civilians, including women and children. It was regrettable that the recommendation by the United Nations High Commissioner for Human Rights for the establishment by the Security Council of an international commission of inquiry had not as yet received the Council's express support.

68. Her organization believed that the Commission should: call on former rebel leaders to instruct former combatants to end human rights abuses, and insist that those responsible for abuses committed since July 1999 should be brought to justice; support the creation of an international commission of inquiry; and remind States of their obligation to investigate and prosecute perpetrators of grave breaches of international humanitarian law.

69. In Kosovo, where Serbs, Roma and other minorities had been indiscriminately killed or abducted by Kosovo Albanian groups or their supporters, such abuses were continuing despite the efforts of KFOR and the United Nations Interim Administration in Kosovo (UNMIK). The international community had failed to give UNMIK adequate support to establish an independent judiciary, and the entire population lacked basic security because of the entirely inadequate numbers of civilian police. Throughout the military conflict, NATO and its member States had urged Yugoslav army personnel to disobey their leadership and consider desertion. Yet those same NATO countries were disregarding the plight of many conscientious objectors who had fled their country and currently lacked long-term security. Her organization called on the Commission: to urge the Kosovo Albanian leadership to condemn human rights abuses against minorities; to give full support to the establishment of an independent judiciary and an adequately staffed civilian police force; and to request NATO countries to grant effective protection to conscientious objectors who had fled the Federal Republic of Yugoslavia.

70. Mr. ROSSI (International Association for Religious Freedom) said that his organization wished to draw the attention of the Commission to gross and systematic violations of human rights and basic freedoms in Saudi Arabia. It was the only country in the world that expressly forbade the public practice of any religion other than Islam, in spite of the presence of many non-Muslims among its immigrant workers.

71. Although neither Mohammed nor the Koran had ever forbidden Jews and Christians living in the Arabian peninsula to profess their religion, the Saudi Arabian authorities not only denied them the right to have their places of worship but even to meet in private. Those policies were in strange contradiction with the proclamations on the Saudi Arabian embassy Web site in Washington, which stated that God proclaimed in the Koran that human rights were universal and that all individuals should be able to enjoy them whether in Islamic States or in others.

72. The Commission could not continue to ignore such grave violations of human rights. In particular, its member States with Christian majorities, especially the United States of America, which guaranteed the Muslims the right to profess and propagate their religion and build mosques - often with Saudi Arabian financial assistance - should speak out in defence of the rights of their fellow citizens working in Saudi Arabia, and require the Saudi Government to respect the human dignity of all individuals.

73. Ms. CAVANAUGH (Human Rights Watch) said that her organization called on the Commission to condemn the abuses being perpetrated in Chechnya and to mandate a thorough investigation by United Nations observers. A Human Rights Watch team in Ingushetia had documented abuses by both parties to the conflict, the most serious of which had been three massacres of Chechen civilians by Russian forces, including the execution of at least 120 civilians, many of them elderly men and women.

74. The human rights situation in China and Tibet had continued to deteriorate, with increasing restraints on freedom of association, assembly, expression and religion embodied in new regulations promulgated in October 1998. In December, the first three China Democracy Party leaders had been sentenced to long prison terms and, in the religious sphere, although the most prominent target had been Falun Gong, at least six Catholic bishops had "disappeared" and unofficial Protestant evangelical groups had been harassed. Media restrictions had been extended to the Internet and the transmittal of "State secrets" prohibited.

75. In Tibet, monks and nuns refusing to renounce the Dalai Lama or accept Government-chosen religious leaders had been expelled from monasteries and some had died in prison.

76. In Xinjiang, the pace of executions had been stepped up. A leading Uighur businesswoman had received an eight-year sentence for attempting to meet a foreign delegation. Imams who objected to Chinese anti-religious propaganda had been imprisoned and their mosques closed.

77. Her organization was alarmed by the continuing abuses by rebel groups in Sierra Leone since the signing of the Lomé peace accord. In face of the widespread and extremely grave violations of human rights, her organization urged the Commission to support the strengthening and employment of the human rights component of UNAMSIL. The High Commissioner for Human Rights should also instruct her envoy to investigate the relationship between a commission of inquiry and the Truth and Reconciliation Commission.

The meeting rose at 8.25 p.m.



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Fifty-sixth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12169 (E)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

1. Mr. MICHEL (Belgium) said that the first year of the new millennium had already been marred by serious and massive violations of human rights. It would be a long time before peace, tolerance and prosperity for all could be established. His Government extended unconditional support to both the Commission on Human Rights and the United Nations High Commissioner for Human Rights, since those institutions guaranteed the universality of the basic human values which the States had proclaimed and wished to see applied and defended. They also provided an indispensable vehicle for dialogue and deserved loyal and unstinting cooperation.
2. Prevention and dissuasion were two important factors in the protection of human rights. His delegation fully supported in that regard the statements made by the High Commissioner for Human Rights. While many preventive mechanisms existed, there had to be both determination and the appropriate means if they were to be appropriately employed.
3. Full respect for others was an essential prerequisite for a harmonious society. Racism and intolerance must therefore be eradicated. Much was expected of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. His Government would make an expert available to the Office of the High Commissioner (OHCHR) to assist in the preparations for that important event.
4. Respect for fundamental values also required that the death penalty be abolished.
5. The international community had a responsibility to combat impunity: no one who had violated the universal rights protected by legal instruments must be able to count on escaping punishment. Those suspected of crimes against humanity, wherever they were and whatever their rank, could already be relentlessly pursued. He invited all States which had not yet ratified the Statute of the International Criminal Court to do so forthwith. Belgium was in the process of concluding the ratification procedure of the Statute and would, in the near future, deposit the instrument of ratification. He was proud that his country had adopted legislation empowering the courts to try all persons suspected of crimes of genocide, crimes against humanity and war crimes, wherever such crimes had been committed.
6. If full respect was to be shown for others, economic and social exclusion must be fought and protection provided for economic and social rights and the exercise of those rights. In that context, he wished to stress the importance which his Government attached to the eradication of extreme poverty. It would take every care to ensure that economic and social rights occupied the place they deserved in the list of rights to be protected and guaranteed.
7. If human rights were to be promoted and respected, they must be taken fully into account in the policies of all States and all international and regional organizations. Human rights knew no boundaries: they were a shared inheritance, dependent on collective vigilance and sustained self-criticism and offered limitless opportunities for international cooperation and collaboration. The support and control mechanisms formulated by the Commission and the OHCHR technical

assistance programmes provided powerful support for the understanding and respect of human rights. He was pleased to announce that his Government had, in response to the appeal by the High Commissioner, decided to make OHCHR one of the organizations to which it assigned multilateral development aid.

8 In respect of human rights, Europe had nothing to be proud of. His Government was greatly concerned by the allegations of grave violations of international humanitarian law in Chechnya, and hoped that all parties to the conflict would respond to the appeals by the international community. He joined the Ministers for Foreign Affairs of Portugal and Luxembourg in urging the Government of the Russian Federation to give the High Commissioner for Human Rights and the International Committee of the Red Cross (ICRC) free access to that part of its territory.

9 His Government also deplored the continuing ethnic intolerance in south-eastern Europe, which had been encouraged and exploited by certain political leaders. All the Governments in the region must take clear and resolute action against ethnic intolerance. Democracy and respect for human rights were quite incompatible with the cult of ethnic purity and contempt for minorities.

10 Racism and intolerance were threatening the stability of the European democracies. There would never be a place in the European Union for those who preached intolerance, racism and exclusion or who made ignorance and incomprehension of others their stock-in-trade. The countries of the Union would continue to monitor closely political parties and movements which promoted racist and xenophobic ideas. The concept of a united Europe was the fruit of bitter experience and represented a determination that the tragedies of its past should never be repeated and that others should be helped to avoid the same tragedies.

11 While the situation in Africa gave much cause for concern, a number of positive steps had been taken, including the Lusaka and Arusha Agreements. His Government supported all initiatives aimed at promoting human rights in the countries of the region and identifying the means which would contribute to that objective. It had, therefore, hosted in 1999 a meeting of special rapporteurs and special envoys to the Great Lakes region. The victims of the Rwandan and all other genocides must not be forgotten. In Kigali in April 2000, accompanied by the Prime Minister and Minister of Defence of Belgium, he would honour the memory of all such victims and that of the Belgian peacekeeping soldiers who had died in Africa. Belgium was continuing peacemaking initiatives with all its regional interlocutors. It had also decided to open its own past to scrutiny by forming a Commission of Inquiry into the circumstances surrounding the death of Patrice Lumumba.

12 Human rights were central to his Government's foreign policy. It was determined to continue the approach adopted since 1980 by the three Benelux countries, and Belgium would thus be a candidate for a seat on the Commission for 2001 to 2003. Belgium's international commitment was merely a prolongation of its determination to make reforms and to correct its democracy where necessary. Such corrections included a review of its legislation against racism and the introduction of comprehensive legislation against all forms of discrimination.

13. In the course of the reforms which it had recently undertaken, Belgium had benefited from dialogue with several of the Commission's special rapporteurs, to whom it was grateful for their interest and advice. To bring itself into line with international human rights structures, Belgium, like other countries, was studying the merits of establishing a national human rights commission.

14. Dialogue and cooperation were essential to the implementation of Belgium's foreign policy, and his delegation was making the maximum possible contribution to the establishment and implementation of ever more effective international legislation. With regard to children in armed conflict, it would have wished to do even more to remove all children from the battlefield. Nevertheless, he hoped that the two draft protocols to the Convention on the Rights of the Child which had recently been approved would be universally ratified.

15. In 1999, homage had been paid to the authors of the Universal Declaration of Human Rights. That homage also constituted a new commitment by every State never to forget the founding principles of that Declaration. Belgium was determined to meet that requirement.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE
RUSSIAN FEDERATION

16. Mr. ORDZHONIKIDZE (Russian Federation) said that cooperation in the field of human rights must move from double standards and politicization towards dialogue and close relations between countries. Largely owing to the efforts of his delegation, agreement had been reached at the Vienna World Conference on creating the post of High Commissioner for Human Rights. Respect for human rights must be based on respect for the sovereignty of States, which bore the principal responsibility for the implementation of universally recognized human rights principles.

17. That line of thinking was, regrettably, not to everybody's taste. The notion of so-called "humanitarian intervention", which was growing more widespread, was used as a justification of a NATO-centred world order, under which a group of States assumed the right to impose their will, if necessary by force, on the international community and interfere arbitrarily in the internal affairs of other States.

18. The practical effects of such a policy had been demonstrated by the events in Kosovo. The NATO aggression against the Federal Republic of Yugoslavia had not solved a single humanitarian problem in the region. On the contrary, it had led to the destruction of the entire country, numerous casualties and widespread economic and environmental damage. It had also triggered off massive human rights violations, including the ethnic cleansing of Serbs and other non-Albanian inhabitants of Kosovo, killings, and degrading treatment based on ethnicity or religion. It would be unacceptable if, in violation of the territorial integrity of the Federal Republic of Yugoslavia, a criminal and terrorist State were to be created in Kosovo which threatened the stability of all Europe. It had become apparent, moreover, that many of the allegations of so-called "Serb atrocities" that had been used to justify the NATO action had been fabricated, although apologists for the action preferred to ignore the fact.

19 The selective criticism of that same group of States led it to ignore the many manifestations of discrimination, xenophobia and anti-Semitism, ethnic and linguistic intolerance, police brutality and ill-treatment of migrants that occurred in all parts of the world, including Europe. The deteriorating situation in Latvia and Estonia was a case in point: ethnic groups lacking full civic status were faced with a choice between involuntary assimilation and forced eviction. Moreover, anti-Fascists were being persecuted and Nazi ideology was being justified.

20 The establishment of democracy in Russia had become irreversible, as shown by the recent presidential election. Over the past few years, the necessary mechanisms to guarantee human rights and fundamental freedoms had also been created, including a solid legislative base, an independent judiciary, a dynamic civil society and free mass media. Many problems remained, but his country was determined to deal with them. There was therefore no justification for characterizing the situation in the Russian Republic of Chechnya in terms of human rights violations.

21 The truth was that, by the middle of 1999, the actions of the ruling regime in Chechnya had turned the territory into a criminal enclave. All human rights and freedoms had been dismantled. Murder, torture and kidnapping had become routine. Freedom of opinion or expression and political activity had ceased to exist. Almost the entire population was unemployed, pensions were not paid, schools were closed and the health system had broken down. About half a million people, mostly Russians, had been forced to leave the Republic over the past three or four years.

22 Terrorist training camps had been operating, hostage-taking and slavery were rife and criminal activity, such as trafficking in drugs or arms, had been widespread. International terrorists, together with substantial funding from a number of countries, had started appearing in Chechnya, creating a real threat to neighbouring regions of the Russian Federation and to other countries. Clear evidence of that had been provided by the attempt to capture part of Dagestan, the bombs planted in Russian cities, the participation in anti-Government activities in other countries of the Commonwealth of Independent States (CIS) by terrorists trained in Chechnya and the emergence of criminal Chechen associations in many European countries.

23 The international community and human rights organizations had made every effort not to notice what was occurring. Only when foreign citizens, in substantial numbers, started to be killed or taken hostage had voices of protest been raised.

24 No State could tolerate such a threat to its very existence. That was why the decision had been taken to eliminate the stronghold of international terrorism. The main objectives were to preserve Russia's territorial integrity, restore constitutional order and guarantee rights and freedoms. Every possible measure was taken to minimize civilian casualties, even at the risk of prejudicing the security of federal forces. The fight in Chechnya was against not Muslims, as some liked to assert, but criminals. Islam - a religion practised by millions of Russians - had no connection with terrorism.

25 The military phase of the operation was virtually over. Intensive consultations with various sections of Chechen society were taking place. The amnesty for those not guilty of

bloody crimes had been extended to 15 May 2000. Steps were being taken to restore law and order and human rights. A special human rights representative of the President had been appointed, with a staff including three experts from the Council of Europe. The Office of the Procurator-General investigated every case of violation of the law. There could thus be no grounds for doubting the effectiveness of the judicial system. Appeals for an international inquiry were totally unacceptable.

26. Administrative and law-enforcement units were being set up, the judicial system was being restored, pensions and other benefits were being paid for the first time in six years, over 60,000 children had returned to school, hospitals had started to reopen and electricity and gas had been restored. Huge resources had been allocated to restore the economy and conditions for the voluntary return of displaced persons had been created. The process of stabilization would undoubtedly take a long time. There might be fresh instances of provocation or attempts to prevent the return to normal life. The elimination of international terrorism would, however, be carried through to its logical end. There must be no doubt on that score.

27. Many preferred to ignore the facts. It was not only a terrorist war but also a war of information that was being waged against his country. Appeals by some foreign mass media and human rights organizations showed a disconcerting similarity to the propaganda of Chechen terrorists. The consequences of such flirting with criminals could prove damaging to other countries.

28. The Russian Federation had shown unprecedented openness. Many foreign delegations had visited the area. That openness was, however, sometimes construed as weakness. Some had tried to dictate the course of action Russia should adopt, while others even threatened to subject the country to some kind of punishment, through hostile resolutions at the Commission, for example. Russia would not be addressed in such a tone. It was prepared for dialogue, but the dialogue had to be honest and objective. It was open to cooperation, but only with those truly interested in the restoration of human rights and freedoms in the Chechen Republic.

29. The new challenges facing humanity on the brink of the new millennium could be met only by collective efforts. His country was prepared for constructive dialogue at the Millennium Summit. Its initiative on adopting a declaration embodying universally acceptable principles of peace in the twenty-first century was activated by its search for an adequate solution.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130 and 139; E/CN.4/2000/NGO/19, 36, 38, 44, 72-75, 86, 89, 96, 103, 124 and 137; A/54/660, A/54/726-S/2000/59, A/54/727-S/2000/65, S/2000/137)

30. The **CHAIRMAN** said that, to ensure the orderly conduct of business and avoid situations similar to that which had arisen at the previous meeting, which had had to be adjourned because many participants had either withdrawn from the list of speakers or were not

present and ready to take the floor, the Bureau insisted that delegations inscribing their names on the list of speakers must take the floor when their turn came. Following well-established Commission practice, the non-governmental organizations (NGOs) that had been given the floor at the previous meeting but had been absent would not be allowed to take the floor again under agenda item 9. The Bureau presumed that its rulings would be accepted by the Commission.

31 It was so decided

32 Mr. HOSSAIN (Special Rapporteur on the situation of human rights in Afghanistan), introducing his third report (E/CN.4/2000/33), said that he strongly endorsed the assessment by the Office of the United Nations Coordinator for Afghanistan that the situation of human rights in Afghanistan was a daunting one. A formidable array of obstacles needed to be overcome before any true progress on human rights was achievable. The central task was to end the war, bring into being a political environment conducive to the achievement of equity, peace and justice, and support the realization of socio-economic conditions essential to a life of dignity and self-worth compatible with basic human rights precepts.

33 The most fundamental denial of human rights which needed to be addressed was that of the right of the people of Afghanistan effectively to participate in the governance of their country through freely chosen representatives. It was critically important to initiate a process of peaceful transition from rule by armed groups to a broad-based Government enjoying the confidence of all segments of the Afghan population, including the several million refugees living abroad.

34 Fighting between the Taliban and the United Front had reached a climax on 28 July 1999, when a Taliban offensive had shattered the hopes for peace raised at the Tashkent meeting of the "Six plus Two" group. It had resulted in massive displacement of the civilian population, in particular women and children, with widespread reports of house and crop burnings, forced deportations, family separations and arbitrary killing.

35 The Human Development Index ranked Afghanistan among the lowest countries in the world, while the Gender Disparity Index ranked it as the very lowest. The formal economy was devastated, as a result of two decades of armed conflict, and Afghanistan had become by far the world's largest producer of opium.

36 The fundamental aim must be to restore Afghanistan to all of its people through reviving and sustaining a peace process of transition to fill the constitutional and political vacuum. The recent Grand Assembly initiative provided a means for active consultations among all Afghan people and the warring groups who might well be persuaded by the United Nations and the "Six plus Two" group to participate. Although the meeting of the two warring groups in Jeddah, Saudi Arabia, in March 2000, held at the initiative of the Organization of the Islamic Conference (OIC), had ended inconclusively, the decision taken there to resume talks shortly should be supported.

37 The time might be ripe for giving the highest priority to making a concerted effort to achieve change in Afghanistan. The circumstances which encouraged that view included changes in the neighbouring countries, the recent discussions among them, the meeting between the Taliban and their neighbours, the release of several hundred opposition prisoners by the

Taliban, and the resolve expressed within the United Nations for positive action. All those circumstances, taken together, presented an opening which should not be missed.

38. Mr. TANDAR (Observer for Afghanistan), said it was regrettable that the Special Rapporteur did not have sufficient resources to spend a longer time in Afghanistan, and to go into some matters in greater depth. Thus, for example, the so-called political prisoners included thousands of civilians whose only crime was belonging to ethnic minorities that the Taliban did not like. A number of people who favoured a political solution to the war had been assassinated, sometimes on Pakistani territory. The practice of religions other than Islam was severely restricted, and those belonging to religious minorities had to carry visible signs indicating their religious affiliation. Afghan women were effectively deprived of the right to exist.

39. With regard to terrorism, the international community was concerned only with the case of Osama bin Laden, but there were with the Taliban several thousand international terrorists who had already committed acts of violence in their countries of origin. Large numbers of foreign fanatics and extremists were being trained as mercenaries in camps located in Taliban-controlled territory and on the Pakistan border. They came from Kashmir, Uzbekistan, Tajikistan, Singkiang and a number of Arab countries. It was regrettable, if quite understandable, that the report did not clearly name the party responsible for the war and for rejecting a political solution.

40. Nevertheless, the report clearly and unambiguously indicated Pakistan's responsibility in the war in Afghanistan and its active engagement on the side of the Taliban. It referred to Urdu-speaking combatants involved in violence against women and ethnic minorities; Urdu was the official language of Pakistan, but was not used in Afghanistan. There were also Pakistani prisoners of war. The number of Pakistani mercenaries far exceeded the number of Afghan Taliban trained in the religious schools in Pakistan and Pakistani interference in Afghan internal affairs had been clearly confirmed in the Secretary-General's latest report to the General Assembly. Afghanistan wanted peace for its people and the free exercise of their right to choose their destiny. It wished to live in peace and cooperation with all its neighbours, on the one condition that they recognized and respected its territorial integrity and independence.

41. Mr. GARRETÓN (Special Rapporteur on the situation in the Democratic Republic of the Congo), introducing his sixth report (E/CN.4/2000/42), said that, in its predecessor, he had described the armed conflict in the Democratic Republic of the Congo as an internal conflict with the participation of foreign forces, but the direct confrontations between the Rwandan and the Ugandan armies on Congolese territory had led him to rethink that description. In his view, the Democratic Republic of the Congo was no longer confronted by a single conflict but by several, some of which had internal dimensions and others an international character.

42. The continued application of the death penalty was one of the gravest violations committed in the territories under government control and, despite the announcement of a moratorium by the Minister of Human Rights, 19 people had been executed since the beginning of the year. On the positive side, however, the Minister of Human Rights had helped to find a solution to the problems of "persons at risk" and had organized a forum on the demobilization of child soldiers. Any dissent or opposition was presented as "attempted genocide": the

Archbishop of Bukavu had not been allowed to return to his diocese because the authorities of the Congolese Rally for Democracy (RCD) had accused him of supporting the civil disobedience movement and inciting ethnic hatred.

43. In the past year, all parties to the conflict had acknowledged that massive violations of human rights had been perpetrated and had demanded investigations. In its resolution 1291 (2000), the Security Council had condemned all the massacres carried out in the Democratic Republic of the Congo and had demanded an international investigation to bring those responsible to justice.

44. None of the provisions contained in the Lusaka Agreements had been respected, and there was a widespread feeling in the country that the international community had done nothing to put an end to the conflict. However, that feeling did not take account of the laudable efforts of the United Nations, the Organization of African Unity (OAU) and certain African countries to end the conflict, and above all it did not identify those who were really responsible, namely the States which had signed the Lusaka Agreements.

45. The appointment of Mr. Kamel Morjane as the Secretary-General's Special Representative in the Democratic Republic of the Congo and the Security Council's authorization to expand the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) were the best evidence that the United Nations respected the Lusaka Agreements. Nevertheless, the fighting and the bellicose statements continued, and the facilitator had still not received permission to visit areas under the control of the RCD and the Movement for the Liberation of the Congo (MLC). The deployment of MONUC was still subject to restrictions of movements imposed by the Kinshasa authorities.

46. In conclusion, he referred to the recommendations in his report. The main one was strict application without delay and by all parties of the Lusaka Agreements and the new timetable. The Government of the Democratic Republic of the Congo should impose an immediate moratorium on capital punishment and sanction the operation of political parties and NGOs. The RCD and its allies should permit exercise of the rights to freedom of expression, opinion and assembly; authorize the return of the Archbishop of Bukavu; give instructions to their troops to spare civilian populations; and avoid taking any initiative or measure which could be perceived as indicating the partition of the country.

47. The security to which the Congolese people and the populations of the Great Lakes region aspired could be viable only if it was placed in a regional context. To that end the international community should impose an embargo on the sale of arms and provide unfailing support for MONUC. The convening of an international peace conference for the Great Lakes region could provide an appropriate forum for genuine discussion between the various Governments of the region with a view to promoting respect for human rights and ending the cycle of impunity which had too long prevailed in that part of the world.

48. Mr. MUKUNDI (Observer for the Democratic Republic of the Congo) said that, for more than 12 months, his Government had been cooperating with the Special Rapporteur despite difficulties arising from the war of aggression being carried out by the Rwandan-Ugandan-Burundi coalition. Indeed, it had renewed its invitation to the

Special Rapporteur to continue his work in the country as from 17 April 2000. His Government was particularly pleased that several institutions of the United Nations system had finally acknowledged the armed aggression against his country by its three neighbours. The presence of uninvited foreign troops more than 1,000 kilometres inside the borders of a sovereign State could only be described as an act of aggression. The RCD, described by some as a rebel movement, had emerged several weeks after the commencement of hostilities, and was merely an instrument for covering up that aggression.

49. In its resolution 1999/56, the Commission had condemned 10 massacres attributed to the Rwandan-Ugandan-Burundi aggressors and one error attributed to government forces. The persons responsible for the latter had been punished following an inquiry, but the massacres had gone unpunished. A number of sources, including the Special Rapporteur, had reported more than 15 other massacres attributed to the aggressors and their Congolese accomplices. Indeed, systematic and well-planned massacres continued to be carried out on a daily basis in the occupied eastern part of the country. His delegation therefore urged the need for an international inquiry.

50. He admitted that human rights violations had occurred in his country, as they had in every other country, but stressed that the war was responsible for such violations. The Democratic Republic of the Congo was a peace-loving country that had given asylum to many refugees from neighbouring countries. Every effort had been made to reach a negotiated solution to the conflict and significant concessions had been made, notably in the Lusaka Agreements.

51. The reason for establishing the military court had been to deal with crimes committed by the military and other specialized State services. The need for such an institution was justified by the war. Nevertheless, his authorities had decided to grant the military court a second degree of jurisdiction so as to ensure that its practices conformed with the country's international commitments and, in particular, with the International Convention on Civil and Political Rights. Furthermore, civilians would no longer be brought before that court.

52. As the Secretary-General of the United Nations had been informed, the decision had been taken at the highest level to move towards the abolition of the death penalty. The process would, however, be a long one and require support from the international community. Of the persons who had been executed, some 80 per cent were military personnel: most civilians on whom the death sentence had been passed had not been executed.

53. It had originally been planned that, after two years, new democratic institutions would be introduced. That schedule had, however, been brutally interrupted by the aggression unleashed upon his country by Rwanda, Uganda and Burundi. His Government's efforts to continue the democratization process had been blocked by the determination of the aggressors to perpetuate their occupation of Congolese territory and pillage its resources. A national debate designed to include all Congolese people had been instituted in order to discuss the draft constitution drawn up by an ad hoc commission.

54. He wished to stress the fact that the efforts being made by his Government to promote and protect human rights were unprecedented, and urged the international community to support them. The armed aggression against his country must be formally condemned and all foreign forces removed from Congolese territory forthwith.

55. Mr. MAVROMMATIS (Special Rapporteur on the situation of human rights in Iraq), said that the lateness of his appointment had prevented him from making a proper assessment of the human rights situation in Iraq and submitting a complete report to the Commission at its current session. His report (E/CN.4/2000/37) was therefore a brief summary of his activities and initial observations. The period from February to October 1999 was covered in the final report of the previous Special Rapporteur (A/54/466).

56. Upon his appointment, he had identified as his priorities the need to become fully informed of activities already carried out in connection with the mandate and study the relevant documentation; to consult the OHCHR officials, the United Nations human rights mechanisms and other United Nations programmes and agencies on matters related to his mandate; to embark upon a dialogue with the Government of Iraq on the question of human rights violations and to become fully acquainted with political, humanitarian and human rights aspects of the situation in that country.

57. Since January 2000, he had been briefed on the political and humanitarian situation in Iraq and had met representatives of international NGOs. He had made a formal request to the Permanent Representative of Iraq to be allowed to visit the country as soon as possible, had met the Permanent Representative of Kuwait and discussed the plight of missing persons and had received numerous communications regarding human rights violations by the Government of Iraq.

58. Security Council resolution 1284 (1999) was intended to ameliorate the humanitarian situation in Iraq. He therefore appealed to all concerned to allow that resolution the opportunity to benefit the people of Iraq. In the performance of his mandate, his major objective would be not only to report on the human rights situation in the country but also to identify ways and means of improving it. He therefore counted on the cooperation of all concerned and, in particular, on the support of OHCHR.

59. He intended to verify the allegations of serious violations of human rights by the Iraqi Government, but the verification process should permit that Government to be consulted and react first of all. It was thus essential that he be allowed to visit the country in the very near future since, in the absence of such a visit, other means of verification would have to be used. He expected a positive reply to his request for a visit and trusted that the Government would extend to him its full cooperation.

60. Mr. HUSSAIN (Iraq) said that he hoped the appointment of the new Special Rapporteur on the situation of human rights in Iraq would prove to be a positive step. The Government of Iraq was prepared to do everything in its power to assist him, and had already arranged meetings for him with the relevant officials. Some aspects of his report (E/CN.4/2000/37) were extremely positive. The human rights situation in the country was adversely affected by the economic sanctions, which had been imposed for more than 10 years, and by the continuing attacks carried

out by United States and United Kingdom forces against Iraqi infrastructure, residential areas and civilian institutions. The Allies' use of depleted uranium was responsible for a massive upsurge in cases of cancer, and a contributing factor to other illnesses and epidemics. He wished Mr. Mavrommatis every success in carrying out his mandate, and looked forward to his visit to Iraq.

61. Ms. KEITA BOCOU (Special Rapporteur on the situation of human rights in Burundi), introducing her report (E/CN.4/2000/34), drew attention to the summary (pp. 3 and 4). She also highlighted her meetings with several justice officials in Burundi and her meetings with members of the diplomatic corps and others, outlined in paragraphs 7 and 9 of the report. Paragraphs 12 to 15 provided details of her itinerary and the security and political situation obtaining at the time. After noting that the human rights situation had deteriorated significantly in comparison with preceding months (para. 67), she drew attention to her observations and recommendations, which appeared in the summary. The situation gave considerable cause for concern.

62. Since the appearance of her report, certain steps had been taken to improve the human rights situation and the international community had redoubled its efforts to find solutions to the conflict. The latest developments, reflecting the will of the parties to take part in negotiations chaired by former President Mandela, provided a ray of hope. It was to be hoped, therefore, that the publicly expressed good intentions would be translated into action.

63. Mr. MENDONCA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that respect for human rights and fundamental freedoms, were major goals for the European Union, as were development, the consolidation of democracy, and the rule of law. In cooperation with its partners, the Union sought to promote the worth and dignity of the human being through dialogue on human rights issues, cooperation agreements, funding mechanisms and assistance programmes. The Union did not shy away from speaking out against human rights abuses and voicing its concern. It would be pursuing initiatives in respect of the situations in the Democratic Republic of the Congo, Sudan, the Islamic Republic of Iran, Iraq and Myanmar, and would also be seeking support for initiatives on Colombia and East Timor.

64. The situation of human rights in a number of countries and regions were of concern to the Union. A lasting solution to the conflict in Chechnya required dialogue between all the parties. The situation was of deep concern, especially with respect to the plight of innocent civilians. The Union once again called upon the Russian Federation to establish a complete cease-fire and to investigate allegations of human rights violations and breaches of international humanitarian law.

65. Full integration of the Federal Republic of Yugoslavia into the international community would depend on democratic change in the country and its compliance with its international obligations, notably in the field of human rights. Lack of progress in that regard was a matter of deep concern.

66. The Union continued to attach the highest importance to the implementation of Security Council resolution 1244 on Kosovo and wished to reiterate its full support for the International Security Force in Kosovo (KFOR) and the United Nations Interim Administration in Kosovo (UNMIK). All acts of ethnic violence must be ended, refugees and displaced persons must return home safely, everybody must have security and freedom of movement regardless of ethnic origin, and the perpetrators of atrocities must be brought to justice.

67. Despite positive steps towards implementation of the Peace Agreement in Bosnia and Herzegovina, there was still a lack of progress in many areas vital to the protection of human rights and fundamental freedoms. Reform of the police and judicial system must be pursued with a view to the full establishment of the rule of law and an end to discriminatory economic and social practices.

68. In Croatia, it was to be hoped that recent developments would help further promote democracy and the rule of law. The ongoing revision of discriminatory laws was welcome, as was the extradition of Mladen Naletilic, which reflected the willingness of the new Government to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

69. Although the abolition of the death penalty in Turkmenistan was welcome, the overall human rights situation in that country was still deteriorating, with harassment of political opponents, political arrest and ill-treatment of political prisoners. The increasing repression of small religious groups was also a matter of grave concern.

70. The Union urged the Government of Uzbekistan to respect freedom of opinion, expression, information, assembly and association. The human rights of persons belonging to religious minorities must be actively protected. "Concentration camps" in the steppes of Karakalpakhia must immediately be closed.

71. In the Kyrgyz Republic, the Government had prevented most of the opposition from taking part in the recent parliamentary elections, thus creating a setback for democracy. It was essential that the presidential elections in December should take place in a climate of freedom and fairness.

72. In Belarus, civil and political rights continued to be denied, with reports of arbitrary arrests and detentions, ill-treatment and disappearances, and restrictions on freedom of expression, association and peaceful assembly. Deficiencies in the legal and judicial systems must also be addressed, especially government interference in judicial proceedings, prolonged pre-trial detention and poor prison conditions.

73. The launch of talks in December 1999 aimed at an overdue, comprehensive, just and lasting solution to the Cyprus problem was most welcome and the Union strongly supported the Secretary-General's efforts to bring the process to a successful conclusion. The recent positive developments in Turkey were also welcome, as was its Government's intention to pursue reforms with particular reference to human rights. The Union welcomed the Government's stated intention to ratify the International Covenants on Human Rights.

74. In Syria, further progress was needed to achieve compliance with international human rights norms. The Union particularly deplored the denial of freedom of expression, assembly and association and the restrictions to freedom of movement. It also condemned the repression of human rights activists and the discrimination against the Kurdish minority, particularly stateless Syrian-born Kurds.

75. The Union remained deeply concerned about the situation in Afghanistan, particularly the grave violations of the human rights of women and girls and all forms of discrimination against them, in all areas of Afghanistan, particularly those under Taliban control. The situation in Saudi Arabia was also of deep concern and its Government must improve the *de jure* and *de facto* status of women in view of serious violations of their human rights. Saudi Arabia should also ratify the International Covenants on Human Rights. The dialogue with the Special Rapporteur on the independence of judges and lawyers was most welcome, especially in view of the importance of encouraging Saudi Arabia to cooperate with international human rights mechanisms.

76. Despite positive steps taken by the Government of India, the situation in Jammu and Kashmir continued to be far from normal and had been exacerbated by terrorism and armed infiltration across the Line of Control. Pakistan should act to prevent such infiltration while India should take appropriate steps to halt human rights violations.

77. The Union was concerned about religious intolerance in the subcontinent as a whole, including cases of murder and assault, and destruction of places of worship. In that context, the renewed commitment by the Government of India to protecting the rights of religious minorities was most welcome. Pakistan, for its part, should protect the rights of religious minorities and abolish the death penalty for blasphemy. It should also implement its stated commitment to democracy, the rule of law and respect for human rights. The lack of independence of the judiciary was also a matter of serious concern.

78. In Sri Lanka, all parties should work towards a negotiated and just settlement to the continuing armed conflict. Despite some positive developments in the human rights field, cases of arbitrary detention, disappearance, torture and extrajudicial killing still occurred. The Government must investigate such abuses thoroughly and bring those responsible to justice.

79. The Union was following the situation in China with great attention and was deeply concerned that - despite steps towards improving the legal system and social and economic rights - little progress had been achieved on the ground, particularly with regard to civil and political rights. The Union firmly condemned the continuing restrictions upon fundamental freedoms, including freedom of thought, expression, religion, assembly and association. It was particularly concerned at the harsh sentences imposed on political dissidents and the alarming human rights situation in Tibet and Xinjiang and was dismayed at the severe sentences passed upon members of the Falun Gong movement.

80. A full assessment of the situation in the Democratic People's Republic of Korea was severely hampered by the lack of transparency and openness. However, reports indicated that

widespread human rights violations were occurring. The Union condemned the denial of human rights and fundamental freedoms and was particularly concerned about the situation of political prisoners, the absence of the rule of law and the grave humanitarian situation in general.

81. The Union acknowledged the commitment shown by the Government of Indonesia to bringing violators of human rights and international humanitarian law in East Timor to justice, possibly through the establishment of a special human rights court. The United Nations should ascertain what assistance was needed for the establishment of a legal process meeting international standards of justice and fairness. Accountability and the redress of victims were crucial to reconciliation and the building of democratic institutions and would improve prospects for friendly and peaceful relations between Indonesia and East Timor.

82. In Malaysia, restrictions on human rights and fundamental freedoms were also of concern. The Malaysian Government should abide by the advisory opinion of the International Court of Justice on the immunity of the Special Rapporteur on the independence of judges and lawyers.

83. In Cambodia, despite evidence of political will to build a society based on respect for human rights, areas of special concern persisted, such as impunity and the weakness of the rule of law. It was essential that the Khmers Rouges be tried by an independent tribunal meeting international standards.

84. In Laos, despite the willingness of the Government to promote certain economic, social and cultural rights, authoritarian rule remained a major obstacle to the realization of human rights in general.

85. The Union appreciated the regional dimension of human rights in the Great Lakes region. It was concerned about the continued human rights violations in Rwanda. Some progress had been made, namely in improving criminal procedures and allowing widows to inherit legally. Renewed cooperation between the Government and the Criminal Tribunal for Rwanda was to be welcomed. It was to be hoped that the implementation of a system of traditional participatory justice would facilitate a solution to the persistent problem of detention without trial.

86. In Burundi, despite some progress, serious human rights abuses persisted. The Union called upon the Government to ensure full protection to returnees and to support their reintegration. It also strongly condemned the renewed outbreak of indiscriminate violence in Burundi and the attacks on humanitarian relief personnel. The Government of Burundi should speed up its investigations into human rights violations, especially those involving the security forces.

87. The status of human rights in Uganda also gave cause for concern. Despite some progress, serious violations of human rights persisted. The Union particularly condemned the recruitment and use of child soldiers by rebel armies in that country.

88. With regard to the Democratic Republic of the Congo, the recent ceasefire agreement was to be welcomed, as were the cessation of fighting and the amnesty and reintegration decisions taken by the Government. The Union remained greatly preoccupied, however, by reports of human rights violations against the civilian population. All such abuses must be investigated and the perpetrators brought to justice.

89. In Algeria, signs of Government cooperation with the international partners were welcome. Reports of disappearances, torture, arbitrary detention and extrajudicial executions had decreased, but the Union remained concerned. While it condemned terrorist violence, it emphasized that terrorism could be combated only in the context of full respect for international human rights standards and the rule of law. Consequently, the Government should also investigate cases of serious human rights violations allegedly perpetrated by the security forces.

90. The situation in Chad remained of concern, particularly with regard to extrajudicial killings, arbitrary arrests and detention, and prison conditions.

91. In Côte d'Ivoire, the situation continued to present inadequacies in a number of areas, notably with respect to summary and extra-judicial executions, arbitrary detention and prison conditions.

92. The political developments in Nigeria and the overall improvement in the human rights situation there were welcome. The Union encouraged the Government to promote human rights still further, particularly those of ethnic minorities in the Delta area. It also wished to stress its firm support for freedom of religion and its opposition to the application of degrading and cruel penalties.

93. The Union had repeatedly condemned violations of human rights in the context of the conflict between Eritrea and Ethiopia, including violations against other nationalities living in the area, and against persons belonging to minorities. Deportations and other violations of human rights and humanitarian principles undermined the quest for peace and reconciliation between the two countries.

94. It was a matter of concern that a single-party regime had been reintroduced in Equatorial Guinea, following parliamentary elections which had, moreover, been marred by irregularities. Allegations of torture, poor prison conditions and arbitrary detention continued. The Union called upon the Government of Equatorial Guinea to give its full support to the Commission's Special Representative.

95. The Union welcomed the signing of the peace agreement between the Government of Sierra Leone and the Revolutionary United Front (RUF). The accountability of individual perpetrators of grave human rights violations was important to ensure a fair and equitable justice system and, ultimately, to achieve reconciliation and stability in the country.

96. The continuing human rights violations associated with the ongoing conflict in Somalia were still of concern. The violations of the human rights of women and girls - including the practice of female genital mutilation - were of deep concern.

97. In Angola, the resumption of the war - for which the National Union for the Total Independence of Angola (UNITA) bore the primary responsibility - had led to serious human rights abuses and breaches of international humanitarian law.

98. The Union deplored the systematic denial of civil and political rights and fundamental freedoms in Cuba and called upon the Government to take vigorous steps to guarantee freedom of expression, opinion, association and assembly and to accede to the International Covenants on Human Rights. It noted with interest steps taken to guarantee a degree of freedom of religion in the country, but was concerned at the continued existence of the death penalty.

99. With regard to Haiti, the Union hoped that the parliamentary elections would lead to a return to normal political life and the rule of law. Of concern, however, was the persistence of an environment of political tension and violence. The Union welcomed the steps taken to reform the judiciary, but condemned the persisting practice of popular justice, the intimidation of human rights defenders and human rights abuses by the security forces.

100. The Union continued to urge all countries to impose a moratorium on the death penalty and remained concerned about the trend towards its further use in the Caribbean. It was deeply regrettable that certain Caribbean countries had withdrawn as States party to the Optional Protocol to the International Covenant on Civil and Political Rights and had reaccessed with a reservation on article 1.

101. The Union encouraged the new Government of Guatemala to take all appropriate steps to implement the peace accords, with a view to fostering reconciliation in Guatemalan society. However, major military, judicial and other reforms were needed to improve the situation of human rights and to tackle the problem of impunity for violations. It was encouraging that the new Government had expressed strong interest in bringing to justice those responsible for the murder of Bishop Gerardi.

102. The Union noted with satisfaction the continued progress towards democratization in Mexico, as well as the Government's commitment to human rights, including measures to improve the situation. The country's readiness to receive a United Nations observation mission during the forthcoming elections was also welcome. Of deep concern, however, were the persisting corruption and impunity within the administration and judiciary, as well as extrajudicial executions, forced disappearances, the abduction of political opponents - particularly in conflict areas - and the harassment of human rights workers. The human rights of indigenous people must be fully respected.

103. The Union continued to be disturbed by the decline of the rule of law and democratic institutions in Peru, including deterioration in the electoral process. It also deplored the country's withdrawal from the jurisdiction of the Inter-American Court of Human Rights.

104. The Union was not moved by confrontational approaches towards any of the countries it had cited. Its purpose was to offer sincere cooperation to help reduce tensions and promote dialogue between all those involved. A more stable world could be achieved only if all persons were irrevocably freed from all types of violence and harassment.

105. Mr. AMAT FORES (Cuba) said that the Commission had to choose between cooperation and confrontation. Regrettably, some Powers used the Commission as an instrument to dominate poorer countries and tried to manipulate international human rights cooperation to legitimize their political hegemony. They sought to impose a democratic model which they fraudulently claimed to be universal, although it had not proved to be a panacea for the countries of the North themselves, where consumption was unsustainable, corruption and double standards reigned, political systems were in crisis, parties served their own interests and most electors did not vote, because they did not believe in the possibility of change.

106. The repeated claims of human rights violations in Cuba constituted a classic case of double standards. All members of the Commission knew that it was an exercise in manipulation by the United States of America, a mere calumny. Although the Czech Republic and Poland had submitted the draft resolution, it was well known who was behind it, namely, the same United States that had been responsible for successive military occupations of Cuba, the existence of the criminal Batista dictatorship and four decades of economic warfare. Various social organizations in Cuba had submitted claims to national courts against the Government of the United States for its responsibility in causing the deaths of 3,478 Cubans and the permanent disablement of 2,099, as a result of its aggression against Cuba.

107. The United States was a country where racism and inequality were rife, where there were more young blacks in prison than at the university, where racism was institutionalized in the application of justice and political activity, and where the indigenous peoples had been subjected to ethnic cleansing and restricted to so-called "reservations".

108. It was the country with the biggest and most repressive prison system, where one in six of those executed was innocent, where the death penalty was applied to minors and mental defectives, where cases of police brutality multiplied by the day, where the sadistic humiliation of prisoners was increasing, where prisoners awaited sentence for many years and where political prisoners suffered long sentences, were maltreated and were denied medical attention. Violence in society there was such that young people murdered their teachers and fellow pupils. The number of homeless people was ever increasing and over 40 million people - half of them children - had no medical insurance. Domestic violence was on the increase and more children killed themselves there than anywhere else in the developed world.

109. The blockade imposed by the United States on Cuba was the most serious violation of the Cuban people's human rights. The economic losses caused by the blockade exceeded

US\$ 64 billion and its heavy impact on the life of Cuban citizens clearly showed its genocidal nature. Cuba lived in a state of undeclared war and the so-called dissidents, who claimed to act as a legitimate opposition, were nothing more than a fifth column, intent on annexation, instructed and funded by the United States.

110. His country was proud of its democracy, which had assured all Cubans direct participation in decision-making. It was proud of periodically electing a Government by electoral methods alien to the struggle for power between parties with scandals in their backgrounds and mafia links. The Cuban revolution was incompatible with the so-called values of Western democracy.

111. Cuba was indeed different and had the right to be so. It had no wish to return to its previous state of society. It attached enormous importance to international cooperation in human rights matters and hoped that dialogue would prevail. If confrontation continued, his delegation was prepared to respond even more effectively.

112. Ms. KUNADI (India) said that selection of the right approach in dealing with the item under discussion was crucial to the Commission's credibility and effectiveness. Selectivity resulting from politicization, as well as tension generated by condemnation, resulted only in acrimony and confrontation. Not only should approaches be tailored to specific situations, but "spotlighting" should be balanced with dialogue, persuasion, introspection and technical cooperation.

113. The annual ritual of "handing out report cards" and pretending to sit in judgement over others was not helpful. More sustainable results might be achieved by encouraging self-criticism and inducing positive change through technical cooperation and national capacity-building to safeguard democracy and the rule of law. Marginalizing or ignoring certain States would merely pave the way to international anarchy.

114. The complexity, vastness and diversity of India posed gigantic challenges, but independent India provided an example of democratic organization of an intensely pluralistic society. Federal and secular polity had evolved to accommodate diversity, and democratic national institutions were continually being strengthened. Not only could India boast an independent judiciary, but civil society had grown steadily, independent media had been consolidated and national human rights mechanisms had been established. Her Government accorded particular emphasis to good governance, decentralization and the empowerment of women.

115. No country could claim to have solved all its problems in the human rights field. In India, there had been instances where economic and social grievances had manifested themselves in violent forms, in some cases instigated and supported from abroad. Her Government's approach was to address the underlying causes and to search for political solutions through democratic institutions.

116. It was necessary to be vigilant to elements which threatened democracy. To that end, the Commission should pay particular attention to military dictatorships, the export of terror, the mistaking of authoritarianism for efficiency, distortions of religious values and the camouflaging

of wars against other States as liberation movements. Such phenomena only undermined the peaceful enjoyment of human rights by all. For its part, her own delegation was willing to engage constructively with other delegations for the promotion and protection of the human rights its country honoured, upheld and cherished.

117. The grave violations of human rights in Afghanistan threatened the stability of the entire region. As the report of the Special Rapporteur revealed, the people of Afghanistan continued to be virtual hostages in their own land, where externally supported armed forces sought to rule without the participation or consent of the people. The gross violations of the rights of women and girls were representative of the Dark Age into which the Taliban were determined to plunge its people. The Commission should pay particular attention to the involvement of non-Afghans in such violations and devise effective steps to counter the forces responsible for the current plight of the Afghan people.

The meeting rose at 1.00 p.m.